

DATE: August 15, 1995  
TO: All Departments  
FROM: City Clerk  
RE: PLEASE POST FOR THE INFORMATION OF EMPLOYEES

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SUMMARY OF DECISIONS

★★★★★★★★★★★★★★

FOR THE REGULAR MEETING OF RED DEER CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, CITY HALL  
**MONDAY, AUGUST 14, 1995**  
COMMENCING AT 4:30 P.M.

★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★

- (1) Confirmation of the Minutes of the Regular Meeting of July 31, 1995  
**DECISION: MINUTES APPROVED.** PAGE
  
- (2) UNFINISHED BUSINESS
  - 1) Assistant City Clerk - Re: Sign Bylaw Amendment 2996/A-95/"A"Frame Signs within the Vicinity of C3 Districts .. 1  
**DECISION: AGREED TO FILE.**
  
  - 2) Land & Economic Development Manager - Re: Lease of City Public Utility Lots and Rights-of-Way/Revision to Council Policy 833 .. 3  
**DECISION: POLICY REMAINS AS CURRENTLY IN PLACE.**
  
  - 3) Inspections & Licensing Manager - Re: Proposed Land Use Bylaw Amendment/Parking of Trailers on Corner Lots .. 8  
**DECISION: AGREED TO FILE.**

(3) PUBLIC HEARINGS

- 1) Assistant City Clerk - Re: Land Use Bylaw Amendment  
2672/M-95/Housing Definitions and Social Care  
Residences/Adult Mini-theatres/Outline Plans .. 11

(4) REPORTS

- 1) Public Works Manager - Re: The Utility Bylaw Amendment  
2960/B-95/Garbage Utility/\$5.00 Minimum Charge .. 12  
**DECISION: AGREED TO FILE.**

- 2) Assistant City Clerk - Re: The Alarm Bylaw Amendment  
3017/A-95/Alarm Bylaw Education Appeal Board -  
disbandment .. 13  
**DECISION: AGREED THAT BOARD BE DISBANDED AND THAT THE  
POLICING COMMITTEE BE CHARGED WITH THE  
RESPONSIBILITY OF HEARING ANY APPEALS.**

- 3) Fire Inspector, Fire Prevention - Re: Public Safety & Fire  
Permit Bylaw Amendment 2962/A-95/Unattended Fires .. 16  
**DECISION: AGREED TO FILE.**

- 4) Director of Community Services - Re: Red Deer Lions Speed  
Skating Club/Lease Request/Arena/Good Friday, April 5/96 .. 17  
**DECISION: APPROVED REQUEST AND APPROVED CURRENT POLICY FOR  
REGULAR ROUTINE BOOKINGS.**

(5) CORRESPONDENCE

- 1) Minister of the Environment - Re: National Packaging  
Protocol .. 24  
**DECISION: AGREED TO FILE.**

2)	Canadians for a Unified Canada - Re: Proposed Initiatives for Quebec to remain a part of Canada	.. 27
	<b>DECISION: APPROVED LETTER TO MAYOR &amp; COUNCIL OF CAP-DE-LA-MADELEINE EXPRESSING COUNCIL'S DESIRE TO KEEP CANADA UNIFIED WITH QUEBEC.</b>	
3)	Anders Park Residents - Re: Grade Level on West Side of Phase 5, Victoria in Anders Park	.. 32
	<b>DECISION: TABLED</b>	
(7)	<u>NOTICES OF MOTION</u>	
	<b>NOTICE OF MOTION PRESENTED BY COUNCILLOR STATNYK RE: LEASE OF CITY PUBLIC UTILITY LOTS AND RIGHTS-OF-WAY.</b>	
(9)	<u>BYLAWS</u>	
1)	2672/M-95 - Land Use Bylaw Amendment/Housing Definitions and Social Care Residences/Adult Mini-theatres/Outline Plans - 2nd & 3rd readings	.. 11
	<b>DECISION: SECOND AND THIRD READINGS GIVEN.</b>	.. 42
2)	2960/B-95 - The Utility Bylaw Amendment/Garbage Utility/\$5.00 Minimum Charge - 3 readings	.. 12
	<b>DECISION: THREE READINGS GIVEN.</b>	.. 46
3)	2962/A-95 - Public Safety & Fire Permit Bylaw Amendment/Unattended Fires - 3 readings	.. 16
	<b>DECISION: THREE READINGS GIVEN.</b>	.. 47
4)	2996/A-95 - The Sign Bylaw Amendment/"A"Frame Signs within the Vicinity of C3 Districts - 3 readings	.. 1
	<b>DECISION: FIRST AND SECOND READINGS GIVEN.</b>	.. 48
	<b>THIRD READING WILL BE CONSIDERED AT THE NEXT COUNCIL MEETING.</b>	
5)	3017/A-95 - The Alarm Bylaw Amendment/Alarm Bylaw Education Appeal Board - disbandment - 3 readings	.. 13
	<b>DECISION: THREE READINGS GIVEN.</b>	.. 51

**A G E N D A**

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FOR THE REGULAR MEETING OF RED DEER CITY COUNCIL

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL,

**MONDAY, AUGUST 14, 1995,**

**COMMENCING AT 4:30 P.M.**

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- (3) **PUBLIC HEARINGS**

- 1) Assistant City Clerk - Re: Land Use Bylaw Amendment 2672/M-95/Housing Definitions and Social Care Residences/Adult Mini-theatres/Outline Plans .. 11

(4) **REPORTS**

- 1) Public Works Manager - Re: The Utility Bylaw Amendment 2960/B-95/Garbage Utility/\$5.00 Minimum Charge .. 12
- 2) Assistant City Clerk - Re: The Alarm Bylaw Amendment 3017/A-95/Alarm Bylaw Education Appeal Board - disbandment .. 13
- 3) Fire Inspector, Fire Prevention - Re: Public Safety & Fire Permit Bylaw Amendment 2962/A-95/Unattended Fires .. 16
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(5) **CORRESPONDENCE**

- 1) Minister of the Environment - Re: National Packaging Protocol .. 24
- 2) Canadians for a Unified Canada - Re: Proposed Initiatives for Quebec to remain a part of Canada .. 27
- 3) Anders Park Residents - Re: Grade Level on West Side of Phase 5, Victoria in Anders Park .. 32

(6) **PETITIONS AND DELEGATIONS**

(7) **NOTICES OF MOTION**

(8) **WRITTEN ENQUIRIES**

(9) **BYLAWS**

- 1) 2672/M-95 - Land Use Bylaw Amendment/Housing Definitions and Social Care Residences/Adult Mini-theatres/Outline Plans - 2nd & 3rd readings .. 11  
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		.. 51

Committee of the Whole:

- 1) Administrative Matter
- 2) Administrative Matter
- 3) Legal Opinion

NO. 1

**DATE: August 8, 1995**  
**TO: City Council**  
**FROM: Assistant City Clerk**  
**RE: SIGN BYLAW AMENDMENT 2996/A-95**

---

City Council considered a request from the Cone Castle for approval to place an "A" frame boulevard sign in the vicinity of Kerrywood Drive and Fir Street at its meeting of July 17, 1994. At this meeting the following resolution was passed:

"RESOLVED that Council of The City of Red Deer, having considered correspondence from Cone Castle dated June 23, 1995, re: Request for Approval of an 'A' Frame Boulevard Sign in the vicinity of Kerry Wood Drive and Fir Street, hereby agrees that said request be approved for the sign to be located, during business hours only, for the following periods:

July - October, 1995;

May - October, 1996;

subject to the passage of the applicable Sign Bylaw Amendment."

In accordance with the above resolution, attached hereto is an amendment to the Sign Bylaw respecting "A" frame signs within the vicinity of C3 districts.

**RECOMMENDATION:**

That Bylaw 2996/A-95 be given three readings.



**JEFF GRAVES**  
Assistant City Clerk

JG/fm

**COMMENTS:**

The Fairview site is the only C3 site in the City that is not located adjacent to an arterial or collector road. As a result of the limited visibility of the Fairview site, new businesses have limited opportunity to establish public awareness of their presence.

Council decided to allow extra consideration for a new business located at the Fairview site to increase its visibility by allowing location of an "A" frame sign on the boulevard adjacent to Kerry Wood Drive. The "A" frame sign was to be located during business hours only for:

July to October, 1995  
May to October, 1996

The bylaw amendment brought forward for Council's consideration provides authority to issue a sign permit subject to:

- the C3 site for which the permit is issued being 40 metres or more from a collector or arterial road
- only one "A" sign permit would be issued for the C3 site
- the sign can be for one or more tenants
- approval is for business hours only of the permit holder
- a permit application can only be made by a new business and the permit expires 2 years from the date of issue.

The proposed amendment would allow new businesses located at the Fairview site to be able to compete on a more comparable basis with owners of other C3 sites.

"G. SURKAN"  
Mayor

"A. WILCOCK"  
Acting City Manager

TO Mr Jeff Graves

Deer

City Hall

Aug 14/95

Sign Bylaw # 2996/A-95

I enclose the sign bylaw  
amendment revised as  
requested.

FOLD

**BYLAW NO.2996/A-95**

Being a Bylaw to amend Bylaw No. 2996/89, The Sign Bylaw of The City of Red Deer.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1 To amend Section 2.0 by adding thereto the following:

"2.1.4.1 "Arterial Road" means a road designated as such under the City Transportation Bylaw;

2.1.13.1 "City Property" means all lands and buildings owned by the City and includes all lands within any road right-of-way plan;

2.1.14.1 "Collector Road" means a road designated as such under the City Transportation Bylaw;"

2 By deleting Section 2.1.31 and substituting in its place the following:

"2.1.31 "Identification" means a sign which contains no advertising but is limited to the name, address and number of a building, institution or person;"

3 By adding thereto the following:

"4.4.4 Unless otherwise specifically provided, no person shall erect an A-Board Sign upon City property in any district where such sign would not be permitted on the lots in such district under the Land Use Bylaw."

4 By deleting Section 5.1.2 and substituting in its place the following:

"5.1.2.1 A-Board Signs placed on City property within a C1 or C1A district

of the face of the curb;

- (b) shall be placed as close as practical to a parking meter, where applicable;
- (c) shall not be placed on any median in a street.

**5.1.2.2 A-Board Signs placed upon City property in any district other than C1 or C1A under the Land Use Bylaw**

- (a) shall be placed only on the boulevard or sidewalk and not closer than 1.5 metres to the face of the curb;
- (b) shall not be placed within 10 metres of the face of the curb of the intersection of two streets; and
- (c) shall not be placed on any median in a street."

5 By adding thereto the following:

"5.1.5 The Bylaws and Inspections Manager may issue a Sign Permit to permit one A-Board Sign to be erected in the boulevard of a collector or arterial road in a C3 district subject to the following conditions:

- (a) the C3 site for which the permit is issued shall be 40 metres or more from a collector or arterial road;
- (b) the A-Board Sign is erected for or on behalf of one tenant in the C3 site;
- (c) not more than one A-Board Sign permit may be issued for the C3 site;
- (d) the arterial or collector road on which the sign is located is the one



## **BYLAW NO.2996/A-95**

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- (c) shall not be placed on any median in a street."

**6 By adding thereto the following:**

**"5.1.5 The Bylaws and Inspections Manager may issue a Sign Permit to permit one A-Board Sign to be erected in the boulevard of a collector or arterial road in a C3 district subject to the following conditions:**

- (a) the C3 site for which the permit is issued shall be 40 metres or more from a collector or arterial road;
- (b) the A-Board Sign is erected for or on behalf of one tenant in the C3 site;
- (c) not more than one A-Board Sign permit may be issued for the C3 site:

- (d) the arterial or collector road on which the sign is located is the one which provides the closest access to the C3 site;
- (e) the sign may remain at its approved location only during the business hours of the permit holder;
- (f) only new businesses are eligible to apply for and receive a sign permit and the sign permit shall expire 2 years from the date of its issue; and
- (g) subject to compliance with the distance requirements of this Bylaw the sign is placed as close as possible to the C3 site."

7 In all other respects, Bylaw No. 2996/89 is hereby ratified and confirmed.

READ A FIRST TIME IN OPEN COUNCIL this      day of      , 19  
 READ A SECOND TIME IN OPEN COUNCIL this      day of      , 19  
 READ A THIRD TIME IN OPEN COUNCIL this      day of      , 19  
 AND SIGNED by the Mayor and City Clerk the      day of      , 19

\_\_\_\_\_  
 MAYOR

\_\_\_\_\_  
 CITY CLERK

## BYLAW NO.2996/A-95

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NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

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"2.1.31 "Identification" means a sign which contains no advertising but is limited to the name, address and number of a building, institution or person;"

4 By adding thereto the following:

"4.4.4 Unless otherwise specifically provided, no person shall erect an A-Board Sign upon City property in any district where such sign would not be permitted on the lots in such district under the Land Use Bylaw."

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- (c) shall not be placed on any median in a street."

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- (a) the C3 site for which the permit is issued shall be 40 metres or more from a collector or arterial road,
- (b) the A-Board Sign is erected for or on behalf of one or all of the tenants in the C3 site,
- (c) not more than one A-Board Sign permit may be issued for the C3 site,



BYLAW NO. \_\_\_\_\_

Being a Bylaw to amend the Sign Bylaw 2996/89.

THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY AMENDS THE SIGN BYLAW 2996/89 AS FOLLOWS:

1.0 To amend Section 2.0 by adding thereto the following:

"2.1.4.1 "Arterial Road" means a road designated as such under the City Transportation Bylaw;"

2.1.14.1 "Collector Road" means a road designated as such under the City Transportation Bylaw;"

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- (c) not more than one A-Board Sign permit may be issued for the C3 site,





**PARKLAND  
COMMUNITY  
PLANNING  
SERVICES**

Suite 500, 4808 Ross Street  
Red Deer, Alberta T4N 1X5  
Phone: (403) 343-3394  
FAX: (403) 346-1570

**DATE:** 24 July 1995  
**TO:** Tom Chapman, City Solicitor  
**FROM:** Paul Meyette, Principal Planner  
**SUBJECT:** A Board Signs

---

Further to the memo from Kelly Kloss wherein Mr. Kloss suggests that two versions of a land use bylaw amendment be prepared related to A Board signs.

Planning staff would like to see a very restrictive bylaw amendment prepared for Council's consideration. It is my understanding that the majority of Council wish to approve "A Board Signs" in very limited circumstances. We would suggest the amendment to the sign bylaw restrict the placement of "A Board Signs" to those C3 sites which are located more than 40 metres from an arterial or collector road subject to City Council approval. This would have the effect of limiting the A Board signs to the Sunnybrook site and Fairview C3 sites. There should also be a restriction of one sign per C3 site.

In addition to your review of the sign bylaw, it would be appreciated if you could review the land use bylaw requirements in relation to A Board signs. The road right of way where the signs would be placed appear to be located in a residential district. This district does not allow signs.

If any clarification of the foregoing is required, I would be pleased to meet.

Respectfully,

---

Paul Meyette, ACP, MCIP  
Principal Planner, City Section

PM/sdd

cc: ~~L. Hodgson~~  
~~R. Strader~~

10

K. Kloss

**FILE**

**DATE: July 18, 1995**  
**TO: Bylaws & Inspections Manager**  
**FROM: City Clerk**  
**RE: CONE CASTLE SIGNAGE - KERRY WOOD DRIVE AND FIR STREET**

---

At the Council meeting of July 17, 1995, consideration was given to the above topic, and at which meeting the following resolution was passed:

"RESOLVED that Council of The City of Red Deer, having considered correspondence from Cone Castle dated June 23, 1995, re: Request for Approval of an 'A' Frame Boulevard Sign in the vicinity of Kerry Wood Drive and Fir Street, hereby agrees that said request be approved for the sign to be located, during business hours only, for the following periods:

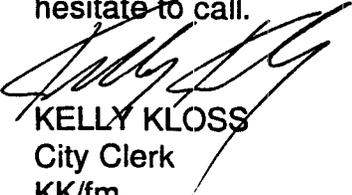
July - October, 1995;

May - October, 1996;

subject to the passage of the applicable Sign Bylaw Amendment."

In accordance with the above resolution, I ask that you now proceed to prepare the necessary Sign Bylaw Amendment which would allow for the placement of said "A" frame sign. In speaking with Paul Meyette, we may wish to consider presenting before Council two possible bylaw amendments. The first would still not allow for "A" frame signs on boulevards with the exception of those allowed by Council resolution. The second bylaw can contemplate an even more limited placement of signs. Paul said he would be speaking with the City Solicitor with regard to the second idea.

It is our intention to place this on the Council agenda of July 31, 1995, or at the latest on the Council meeting agenda of August 14, 1995. If you have any questions please do not hesitate to call.



KELLY KLOSS  
City Clerk  
KK/fm

cc. Director of Development Services  
Director of Community Services  
Recreation, Parks & Culture Manager  
City Planner  
City Solicitor



**THE CITY OF RED DEER**

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

July 18, 1995

Cone Castle  
5 Fir Street  
Red Deer, Alberta  
T4N 4Y1

ATTENTION: Jim Hickling

Dear Sir:

At the City of Red Deer Council meeting held on July 17, 1995, consideration was given to your correspondence dated June 23, 1995 concerning your request for the location of an "A" frame sign on the City boulevard, and at which meeting the following resolution was passed:

"RESOLVED that Council of The City of Red Deer, having considered correspondence from Cone Castle dated June 23, 1995, re: Request for Approval of an 'A' Frame Boulevard Sign in the vicinity of Kerry Wood Drive and Fir Street, hereby agrees that said request be approved for the sign to be located, during business hours only, for the following periods:

July - October, 1995;

May - October, 1996;

subject to the passage of the applicable Sign Bylaw Amendment."

As outlined in the above resolution, approval of your request is conditional upon the passage of the necessary Sign Bylaw Amendment. City Administration will now begin work on the applicable amendment with same being presented to Council at either the July 31, 1995 or August 14, 1995 Council meeting.

.../2

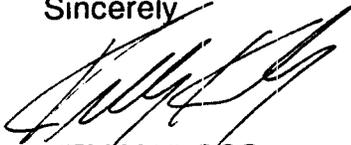


*a delight  
to discover!*

Cone Castle  
July 18, 1995  
Page 2

If you have any questions or require additional information please do not hesitate to contact the undersigned.

Sincerely

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written over the word 'Sincerely'.

KELLY KLOSS  
City Clerk

KK/fm

cc. Director of Development Services  
Director of Community Services  
Bylaws & Inspections Manager  
Recreation, Parks & Culture Manager  
City Planner



5 Fir Street, Red Deer, Alberta T4N 4Y1  
Bus: (403) 346-4750 Res: (403) 346-1707

June 23, 1995

Mr. Kelly Kloss  
City Clerk  
P.O. Box 5008  
Red Deer, Alberta  
T4N 3T4

Dear Mr. Kloss;

RE: Cone Castle Signage  
Kerry Wood Drive & Fir Street

My name is Jim Hickling and I am the owner of the Cone Castle ice cream parlor located at 5 Fir Street, in the Express 24 Plaza in Upper Fairview. I would like to request permission to place an "A frame" sign on the grass boulevard at the corner of Kerry Wood Drive and Fir Street. The sign is 38 inches high and 32 inches wide and advertises the name of my business and the direction towards it. I am located 200 feet north of the "T" intersection in question and I would like to place the sign on the N.E. corner of the intersection. Which is the north side of Kerry Wood Drive and the east side of Fir Street. The sidewalk runs along the south side of Kerry Wood Drive and thus would not pose a problem to pedestrian traffic.

I have placed the sign in the desired location and approached it from all directions in my vehicle, it does not interfere in any way with visability around the intersection. I have enclosed a map showing you exactly where I would like to place my sign and a photo copy of the sign in question. The sign is of course in full color.

page 2.....

With all due respect for the C3 zoning by-law in which my business is located, I would humbly ask that this request be approved by City Council.

I am a new business owner as of June 18, 1995 and need to advertise my location as much as possible. As I was unaware of the "no A frame signs in C3 zoning" at the time, I had a sign made at considerable cost to me. I had been open for 3 days when I was visited by a By-Law Officer, who told me the sign had to be removed.

Many of my customers have told me that the sign enhances the corner rather than being a hindrance or an eye-sore. The improvements we have made to the building itself has also enhanced the community, to which the home owners of Upper Fairview have most favorably commented on. With out the signage on Kerry Wood Drive people will not realize where we are located and will make staying in business very difficult, as we are a new business and people do not know where we are located.

Once again I beg your deepest consideration on this matter and I will be available to answer any questions you may have in person or over the phone.

I look foward to hearing from you.

Yours truly;

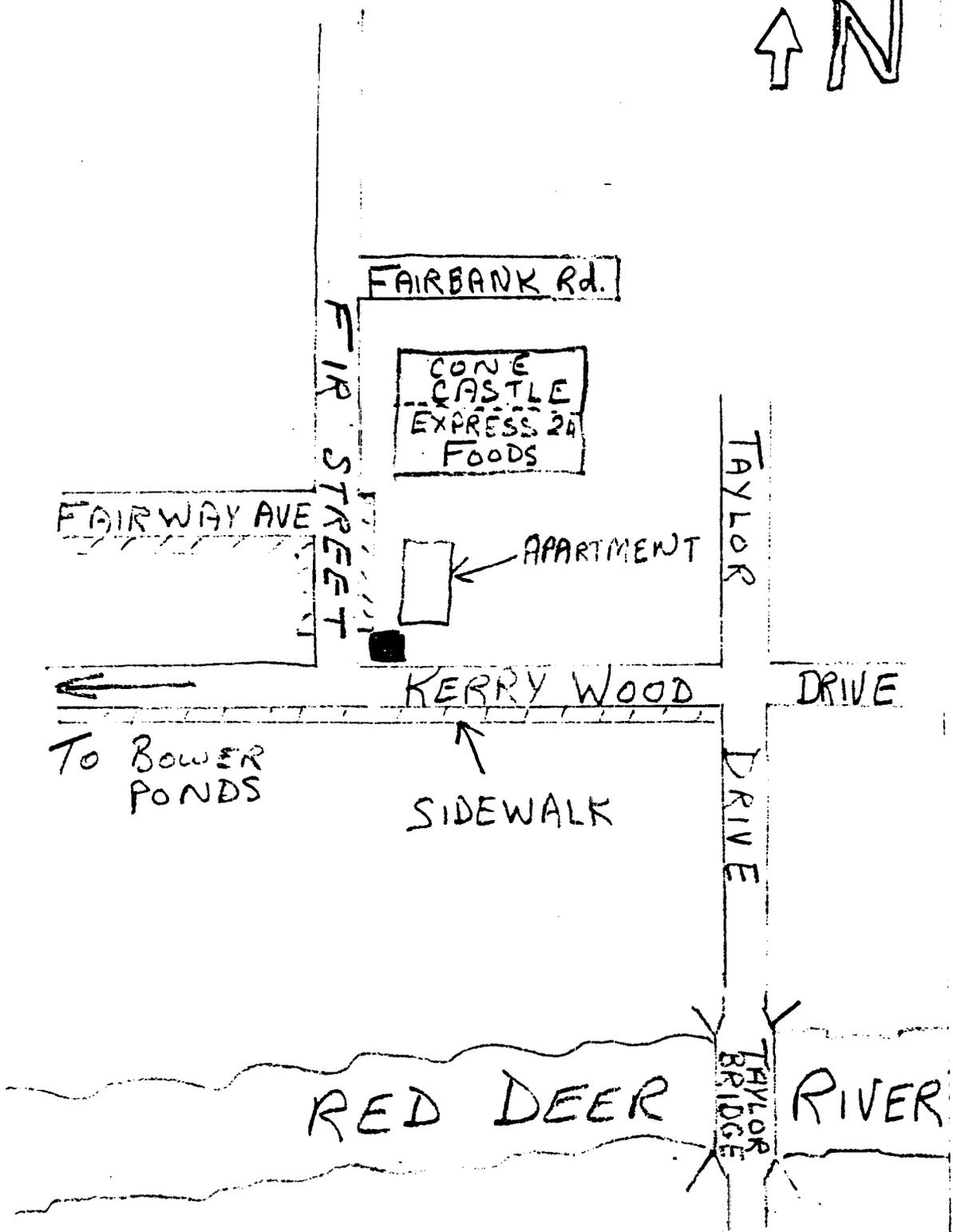
Cone Castle

Jim Hickling  
owner/manager

**THE CITY OF RED DEER**  
CLERK'S DEPARTMENT

RECEIVED	
TIME	10:50 Am
DATE	95/06/26
BY	CK

RED DOT INDICATES DESIRED LOCATION OF SIGN







**PARKLAND  
COMMUNITY  
PLANNING  
SERVICES**

86

Suite 500, 4808 Ross Street  
Red Deer, Alberta T4N 1X5  
Phone: (403) 343-3394  
FAX: (403) 346-1570

---

**DATE:** July 5, 1995  
**TO:** KELLY KLOSS, CITY CLERK  
**FROM:** TONY LINDHOUT, PLANNER  
**RE:** CONE CASTLE - "A" FRAME SIGN IN BOULEVARD

---

The applicant, who operates an ice cream parlour in the Express 24 Plaza located at 5 Fir Street, is requesting City Council approval for an "A" frame advertising sign to be located at the corner of Fir Street and Kerry Wood Drive. The proposed sign location would be about 200 feet south of the C3 zoned Local Convenience Commercial District containing the Plaza. The City's Land Use Bylaw allows for an on-site sign advertising the businesses located within the Plaza. The City's Sign Bylaw #2996/89 does allow for signs to be located on City property subject to approval by Council. Where Council allows a sign on City property, an annual ground rental fee must be paid to the City.

From a land use and planning perspective we would be concerned about the location of commercial signage at roadway intersections. Signs could be a distraction for motorists, be subject to vandalism (knocked down, removed, damaged, etc.) as they are not located on the same parcel as the business and therefore cannot be properly supervised. Approval of this type of signage at a removed site would be precedent setting and could lead to potential enforcement problems concerning types of signs, location and additional requests for similar signage. Visually, such signs would detract from the boulevard setting which creates a sense of open space through grassed green areas that also in many cases contain high quality landscaping. Furthermore, grass cutting around these sign(s) could be problematic. The applicant has not indicated whether the "A" frame (portable?) sign would be in place 24 hrs. a day or only during business hours.

#### **RECOMMENDATION**

Although we are sympathetic to the applicants desire to be highly visible through advertising, we cannot support the approval of the "A" frame sign at the Kerry Wood intersection and recommend that City Council deny the request based on the above noted concerns.

Tony J. Lindhout, ACP, MCIP  
PLANNER

c.c. Bylaws and Inspection Manger  
Director of Community Services  
Recreation, Parks and Culture Manager  
Engineering Department Manager

DATE: July 5, 1995  
TO: City Clerk  
FROM: Bylaws & Inspections Manager  
RE: "A" FRAME SIGNS

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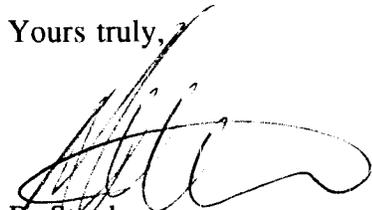
In response to your memo regarding the above, we have the following comments for Councils consideration.

Currently, "A" frame signs are the only form of signs not on a permanent foundation or attached to a building that are allowed in the City. They are only allowed in C1, C1A and certain I1 sites.

Other cities are currently trying to draft bylaws to restrict temporary signs as they have found they are impossible to control. The signs can be found on medians, boulevards and landscaped areas, blocking traffic lights etc. They are considered dangerous because of their locations and detract considerably from landscaping in those cities where they are located. One of the most frequently heard compliments the city receives is that temporary signs are not seen on our streets.

**Recommendations:** That the application be denied.

Yours truly,



R. Strader  
Bylaws and Inspections Manager  
BUILDING INSPECTION DEPARTMENT

RS/yd

DATE: June 29, 1995  
TO: City Clerk  
FROM: Engineering Department Manager  
RE: **CONE CASTLE - 5 FIR STREET  
APPROVAL OF "A" FRAME BOULEVARD SIGN**

---

The applicant is requesting permission to place an "A" Frame Advertisement Sign in the City boulevard at the northeast corner of the intersection of Kerry Wood Drive and Fir Street. While the sign may not present any visibility problems for motorists as the applicant has stated, we are concerned that approval of this type of signing is precedent setting and will lead to many more signs being similarly located.

**RECOMMENDATION**

To avoid intersection sign clutter and minimize motorist's distraction at potential accident locations, we would respectfully recommend that City Council uphold the current By-law requirements.

  
Ken G. Haslop, P. Eng.  
Engineering Department Manager

KGH/emg

- c.c. By-laws & Inspections Manager
- c.c. Recreation, Parks, & Culture Manager
- c.c. Principal Planner

CS- 4.746

**DATE:** June 29, 1995

**TO:** KELLY KLOSS  
City Clerk

**FROM:** LOWELL R. HODGSON  
Director of Community Services

**RE:** CONE CASTLE - "A" FRAME SIGN IN BOULEVARD  
Your memo of June 26, 1995 refers.

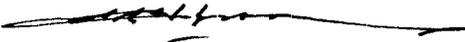
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The Recreation, Parks & Culture Department Manager and myself are opposed to the request to place a commercial advertising sign on the Kerrywood Drive boulevard.

The Traffic Bylaw specifies that no objects should be placed on boulevard areas. City Council has been very consistent in enforcing this regulation to prevent a proliferation of signs on the landscaped boulevards throughout the city. The Strategic Plan refers to "greening of our transportation routes", and this should not be jeopardized by commercial signage.

#### RECOMMENDATION

That City Council deny the request from Cone Castle for an "A" frame sign on the Kerrywood Drive boulevard.

  
LOWELL R. HODGSON

:ad

- c. Paul Meyette, Principal Planner, P.C.P.S.  
Ken Haslop, Engineering Services Manager

#### COMMENTS:

We concur with the recommendation of the Administration that the request be denied. As Council is aware, other similar requests from businesses just off major arteries have been denied in the past.

"G. SURKAN"  
Mayor

"M.C. DAY"  
City Manager

**FILE**

**DATE: August 15, 1995**  
**TO: Licensing & Inspections Manager**  
**FROM: Assistant City Clerk**  
**RE: SIGN BYLAW AMENDMENT 2996/A-95**

---

At the Council meeting held on August 14, 1995, Council gave three readings to the Sign Bylaw Amendment 2996/A-95, a copy of which is attached hereto.

This office will now be updating the relevant pages of the Sign Bylaw for inclusion in the consolidated copy of said Bylaw.

Council's decision in this instance is submitted for your information.

  
**JEFF GRAVES**  
Assistant City Clerk

JG/fm

attch.

cc. Principal Planner  
City Solicitor



# THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

FILE No.  
**FILE**

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

August 15, 1995

Cone Castle  
5 Fir Street  
Red Deer, Alberta  
T4N 4Y1

ATTENTION: Jim Hickling

Dear Mr. Hickling:

Further to the letter of July 18, 1995 from the City Clerk, Kelly Kloss, I wish to advise you that Council of the City of Red Deer at its August 14, 1995 Council meeting gave three readings to the Sign Bylaw Amendment 2996/A-95, a copy of which is attached hereto.

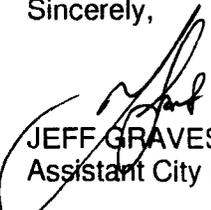
The Sign Bylaw Amendment 2996/A-95 in conjunction with the Council resolution passed on July 17, 1995 provides you with approval to place an "A" frame boulevard sign in the vicinity of Kerrywood Drive and Fir Street, to be located during business hours only for the following periods:

July - October, 1995;

May - October, 1996.

Should you have any questions, or require additional information, regarding the placement or location of your signage please contact the Licensing and Inspections Manager at 342-8195.

Sincerely,

  
JEFF GRAVES  
Assistant City Clerk

JG/fm

attch.

cc. Director of Development Services  
Director of Community Services  
Recreation, Parks & Culture Manager  
City Planner  
City Solicitor  
Inspections & Licensing Manager



*a delight  
to discover!*

NO. 2

DATE: August 8, 1995  
TO: Kelly Kloss, City Clerk  
FROM: Alan Scott, Land and Economic Development Manager  
RE: **LEASE OF CITY PUBLIC UTILITY LOTS AND RIGHTS-OF-WAY**

---

At the July 17, 1995 meeting of City Council, the following resolution received approval:

"RESOLVED that Council of The City of Red Deer hereby agrees that the Administration prepare a policy for Council's consideration, to provide that where a Public Utility Lot is leased to an adjacent property owner, and said owner is selling the property, then upon request, the Public Utility Lot be divided between the two adjacent properties with all costs associated with said change, including fencing if applicable, be the responsibility of the individual making the request."

We have therefore prepared a revised policy for Council's consideration and approval. We are recommending that the new policy apply to all new licenses to occupy and new leases of utility lots.

In reviewing the utility lots and rights-of-way which we are currently leasing, we find that there are a variety of conditions attached to these leases. A number of years ago, the public utility lot easements were leased for a period of 99 years, at \$1 per year. Over the years, public utility lots have been leased for rates of \$5, \$20, \$25 and currently \$30 per annum. All of these leases are assumable by subsequent purchasers, and all appear to have a 90 day termination clause. However, in some cases - particularly the older leases - terms of termination are somewhat vague.

All public utility lots and easements which are currently leased, have been offered to property owners on both sides of the lot. In cases where both property owners were interested in leasing a portion of the lot, it has been split in two. In other cases where only one property owner expressed an interest, the entire lot has been leased to that property owner.

Throughout the years, we have had very few situations arise where adjacent property owners have requested that the existing lease be reconsidered and the terms changed. In the past three years, we can only recall the one instance which has been dealt with by Council on two separate occasions. We therefore feel that the policy as it applies to existing leases should continue, and we can deal with each individual request for a change as it is made. The costs, in both time and money, associated with the revisions necessary to bring all existing leases into line with the proposed new policy would be significant.

2/...

City Clerk  
Page 2  
August 8, 1995

---

**RECOMMENDATION**

We therefore recommend that all existing leases of public utility lots and rights-of-way continue under the terms contained within the agreement. The attached policy would apply to all new leases which are entered into as of this date.



Alan V. Scott

AVS/mm

Policy Section:  
 Planning Services

Page:  
 1 of 2

Policy Subject:  
 Licenses to Occupy

Policy Reference:  
 833

Lead Role:  
 Land and Economic Development

Resolution/Bylaw  
 May 24, 1994

### PURPOSE

To simplify procedures associated with the granting of licenses to occupy rights-of-way and, where appropriate, leases of utility lots.

### POLICY STATEMENT

The Land and Economic Development Manager shall approve applications for licenses to occupy rights-of-way in the City of Red Deer. This authority shall also include the lease of public utility lots under standard terms approved by City Council.

Effective on approval of this policy, all new licenses to occupy and new leases of utility lots shall include clauses which provide:

- a) that the City Land and Economic Development Manager has the authority to terminate the agreement upon 30 days written notice, without cause; and
- b) if the lessee sells his or her property, the lease may not be transferred to the new property owner without the prior approval in writing of the Land and Economic Development Manager; and
- c) if, at the time of a sale by the lessee or licensee, a second property owner also owning the land adjacent to the utility lot or right of way desires to lease a portion of such lot or right-of-way from the City, then, upon request of such adjacent owner, the license or lease of public utility lot in question shall be divided between the two adjacent properties, provided that:

Cross Reference

Remarks

Date of Approval:

Effective Date:

Date of Revision:

---

Policy Section:  
Planning Services

Page:  
2 of 2

Policy Subject:  
Licenses to Occupy

Policy Reference:  
833

Lead Role:  
Land and Economic Development

Resolution/Bylaw  
May 24, 1994

---

- i) all costs associated with the termination of the prior license or lease, including the placement and discharges of caveats, title searches, relocation of fencing, and all incidental costs, shall be paid by the property owner requesting the change. Such property owner shall make payment to the City of the full amount of such estimated costs before entering into any lease or license agreement.

Should an applicant wish to appeal the decision of the Land and Economic Development Manager, said appeal would be presented to City Council.

---

Cross Reference

---

Remarks

---

Date of Approval:

Effective Date:

Date of Revision:

**COMMENTS:**

We concur with the recommendation of the Land and Economic Development Manager.

We currently have in excess of 100 leases in place. Should we endeavour to change these existing leases, to require the City be notified in the event of a sale, we would be looking at a cost in the order of \$9,000.00 to \$10,000.00. Since we have had relatively little difficulty with the current arrangement we would not recommend the existing leases be changed. We would however recommend that new leases contain a clause putting Council's resolution of July 17, 1995 into effect. Any new Lease Agreements would contain an obligation on the part of the Lessee to notify The City, prior to a land sale, to allow adequate time for notification to the abutting property owner

There are relatively few new utility lots retained by the City, as they are now incorporated into the residential parcels and sold. As a result we don't anticipate a great deal of difficulty with this in the future.

The recommended amendment does not deal with the specific situation between the Vokes and Jeanneau's where there is an existing lease. Should Council wish this particular situation to be handled differently, direction is requested.

"G. SURKAN"  
Mayor

"A. WILCOCK"  
Acting City Manager

**FILE**

**DATE: July 18, 1995**  
**TO: Land & Economic Development Manager**  
**FROM: City Clerk**  
**RE: LEASE OF CITY PUBLIC UTILITY LOTS**

---

At the Council meeting of July 17, 1995 the following resolution was passed relative to the leasing of City Public Utility Lots:

"RESOLVED that Council of The City of Red Deer hereby agrees that the Administration prepare a policy for Council's consideration, to provide that where a Public Utility Lot is leased to an adjacent property owner, and said owner is selling the property, then upon request, the Public Utility Lot be divided between the two adjacent properties with all costs associated with said change, including fencing if applicable, be the responsibility of the individual making the request."

I ask that you now prepare a policy in accordance with the above resolution, for Council's consideration at a future meeting.

I trust you will find this satisfactory.



KELLY KLOSS  
City Clerk

KK/fm

cc. Director of Development Services  
City Solicitor



# THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

FILE No.  
**FILE**

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

July 18, 1995

Mr. & Mrs. Vokes  
9 Rutledge Crescent  
Red Deer, Alberta  
T4P 3K3

Dear Mr. & Mrs. Vokes:

At the City of Red Deer Council meeting held on July 17, 1995, consideration was given to a request made by Marc Jeanneau to lease a portion of City Public Utility Lot No. 32, Block 9, Plan 812-1608, which is currently being leased to you by The City.

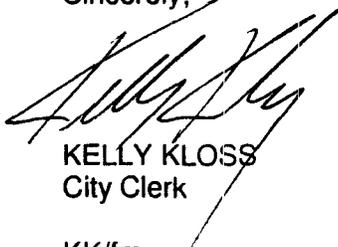
At the above noted Council meeting, Mr. Jeanneau withdrew his request to lease a portion of this lot, however, subsequent to this, the following resolution was passed:

"RESOLVED that Council of The City of Red Deer hereby agrees that the Administration prepare a policy for Council's consideration, to provide that where a Public Utility Lot is leased to an adjacent property owner, and said owner is selling the property, then upon request, the Public Utility Lot be divided between the two adjacent properties with all costs associated with said change, including fencing if applicable, be the responsibility of the individual making the request."

The City Administration will now be preparing for Council's consideration at a future meeting, a policy in accordance with the above resolution. Such a policy would only affect you if you are to sell your house.

If you have any questions, or require additional information, please do not hesitate to contact the undersigned. Thank you for attending the Council meeting.

Sincerely,



KELLY KLOSS  
City Clerk

KK/fm

cc. Director of Development Services  
Land & Economic Development Manager



*a delight  
to discover!*



# THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

FILE No. **FILE**

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

July 18, 1995

Marc Jeanneau  
5 Rutledge Crescent  
Red Deer, Alberta  
T4P 3K3

Dear Sir:

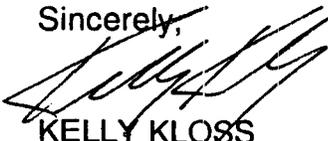
At the City of Red Deer Council meeting held on July 17, 1995, consideration was given to your letter dated June 26, 1995 re: Request to Lease a Portion of Public Utility Lot No. 32, Block 9, Plan 812-1608. Following discussion during this meeting, upon your direction, your request was withdrawn from Council's consideration. Subsequent to this, however, the following resolution was passed:

"RESOLVED that Council of The City of Red Deer hereby agrees that the Administration prepare a policy for Council's consideration, to provide that where a Public Utility Lot is leased to an adjacent property owner, and said owner is selling the property, then upon request, the Public Utility Lot be divided between the two adjacent properties with all costs associated with said change, including fencing if applicable, be the responsibility of the individual making the request."

The City Administration will now be preparing a policy for Council's consideration at a future meeting for equally sharing of Public Utility Lots at the time of the sale of a property.

If you have any questions, or require additional information, please do not hesitate to contact the undersigned. Thank you for attending the Council meeting.

Sincerely,



KELLY KLOSS  
City Clerk

KK/fm

cc. Director of Development Services  
Land & Economic Development Manager



*a delight  
to discover!*

DATE: July 10, 1995  
TO: Kelly Kloss, City Clerk  
FROM: Alan Scott, Land and Economic Development Manager  
RE: **LOT 32 PUL, BLOCK 9, PLAN 812-1608**

---

The above public utility lot was originally leased in September 1991, to former owners of Lot 31 (9 Rutledge Crescent). In June 1993, the property was sold to the present owners (Mr. and Mrs. Vokes) and the lease of the utility lot was assumed by the new owners.

Later that year, owners of the property immediately south of the utility right-of-way, at 5 Rutledge, requested that they be permitted to lease or purchase half of the utility right-of-way. The matter was discussed on two occasions by City Council and in the end, the following resolution received Council approval:

"RESOLVED that Council of The City of Red Deer, having considered reports to Council August 16, 1993, re: Public Utility Lot 32, Block 9, Plan 812-1608, hereby agrees that Mr. and Mrs. Vokes be allowed to continue leasing the entire lot and that the Mayor and City Clerk be authorized to execute said lease on behalf of the City."

Mr. and Mrs. Vokes have continued to lease the lot under agreement with the City of Red Deer. All conditions of the lease have been maintained by the lessee, and annual lease payments are current.

The lease agreement contains conditions which permit the lease to be transferred to a new owner, provided all conditions of the lease are current and maintained.

### **RECOMMENDATION**

The Land and Economic Development Department recommends that the lease of Lot 32 PUL, Block 9, Plan 812-1608 be maintained as it exists - that is as a lease to the owners of 9 Rutledge Crescent. In the event the property is sold, and the new owners are not interested in continuing with the lease, we would recommend we maintain our current policy, and offer the PUL to the property owners on the south side of the easement.



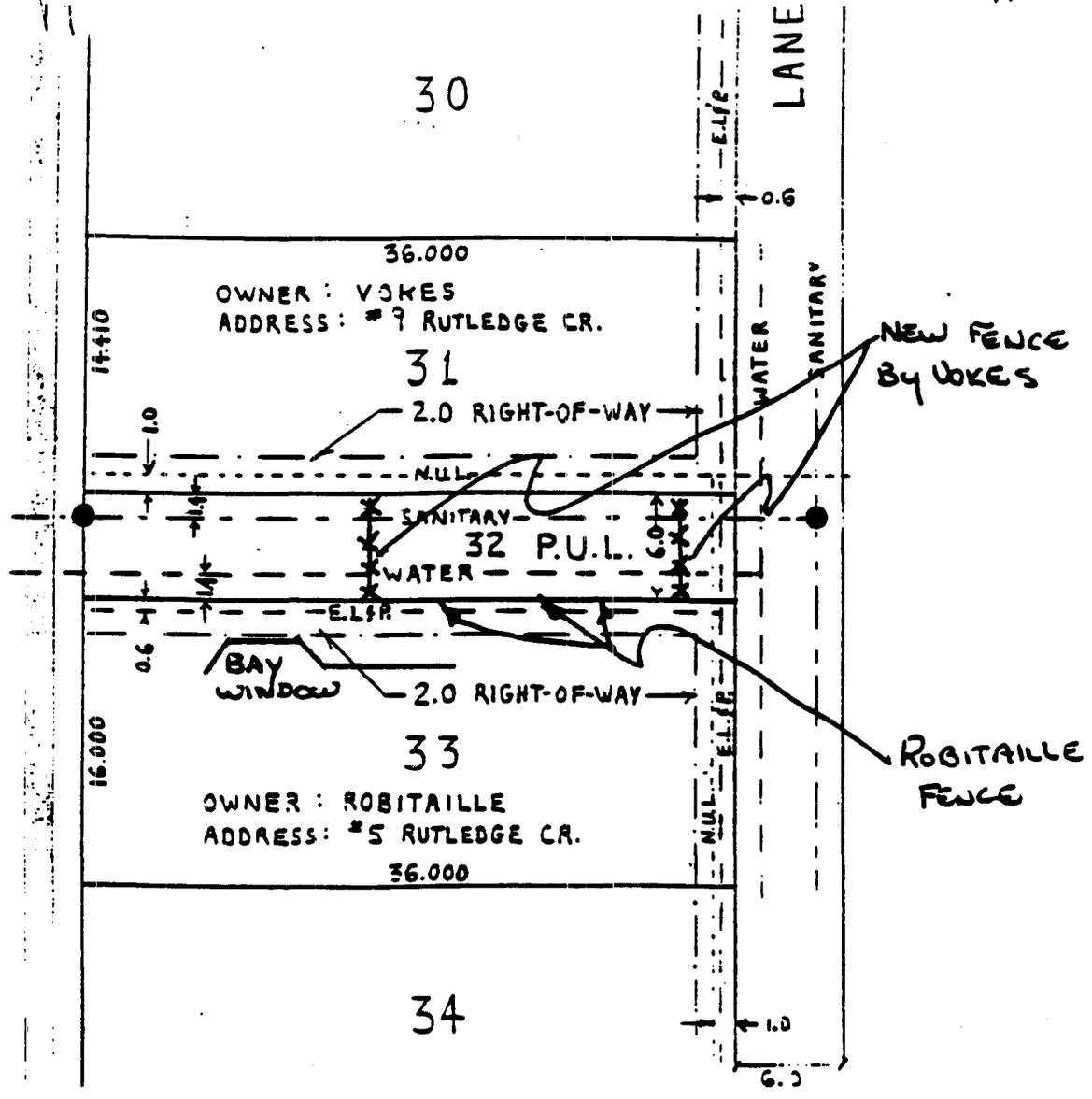
Alan V. Scott

AVS/mm



1.5 BLVD.  
1.5 SIDEWALK

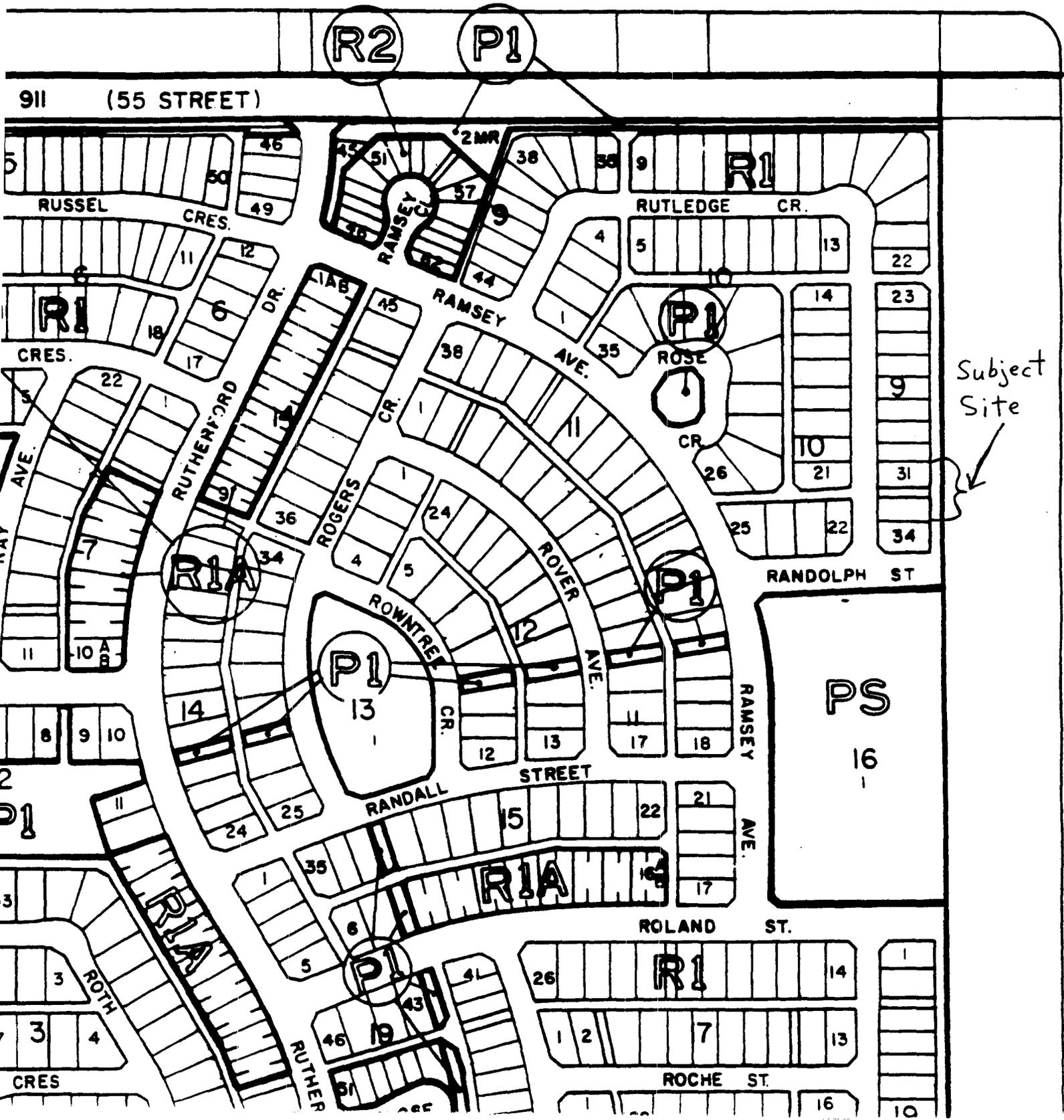
RUTLEDGE CRESCENT



			DRAWN L.M.B	THE CITY OF RED DEER ENGINEERING DEPARTMENT	APPROVED BY
			DATE 93/07/13		LOT 32 P.U.L.; 2LK.9; 812-1608
			SCALE 1:400		
NO.	DATE	REVISION	APP'D		DRAWING NO.

# eer --- Land Use Bylaw Use Districts

# K9



**FILE**

**DATE: August 15, 1995**

**TO: Land & Economic Development Manager**

**FROM: Assistant City Clerk**

**RE: LEASE OF CITY PUBLIC UTILITY LOTS AND RIGHTS-OF-WAY/REVISION  
TO COUNCIL POLICY NO. 833**

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At the Council meeting of August 14, 1995, consideration was given to your report dated August 8, 1995 concerning the above topic, and at which meeting the following resolution was considered and defeated:

"RESOLVED that Council of The City of Red Deer, having considered the report from the Land and Economic Development Manager dated August 8, 1995, re: Lease of Public Utility Lots and Rights-of-Way, hereby approve Council Policy No. 833 which sets out the procedures associated with the granting of Licenses to occupy Rights-of-Way and where appropriate Leases of Utility Lots, to come into effect August 14, 1995, and as presented to Council August 14, 1995."

The following amending resolution was also considered by Council and was also defeated:

"RESOLVED that the resolution regarding rights-of-way and public utility lot leases be amended to read: hereby amend Council Policy No. 833, by providing for an adjacent property owner to request or re-negotiate the lease of a public utility lot, only upon the sale of a property adjacent, where an existing lease of a public utility lot exists. The onus is upon the adjacent property owner to apply for the lease of the public utility lot upon notice of sale of the adjacent property."

As a result of the above resolutions being defeated, the Council Policy approved on January 4, 1994, which is currently in effect, will remain unchanged.

Subsequent to the defeat of the above resolutions, the following Notice of Motion was submitted by Councillor Statnyk:

"WHEREAS COUNCIL OF THE CITY OF RED DEER on August 14, 1995 defeated a resolution to approve Council Policy No. 833 which sets out the procedures associated with the granting of licences to occupy Rights-Of-Way and where appropriate leases of Public Utility Lots; AND

Land & Economic Development Manager  
August 15, 1995  
Page 2

WHEREAS the existing lease holders of Public Utility Lots have developed and care for the lease property and the lease property now forms an integral part of the lease holders residential property;

NOW THEREFORE BE IT RESOLVED that Council of the City of Red Deer hereby agrees to reconsider the report from the Land and Economic Development Manager and approve the proposed Council Policy No. 833 which sets out the procedures associated with the granting of licences to occupy Rights-Of-Way and where appropriate leases of Public Utility Lots and further agrees to grant first right of refusal to the present lease holder should the City offer for sale any Public Utility Lot currently under lease."

The above Notice of Motion will be considered by Council at the August 28, 1995 Council meeting. Please provide, in consultation with the City Solicitor, a report to be presented to the August 28, 1995 meeting of Council for Council's consideration in regards to this Notice of Motion.



JEFF GRAVES  
Assistant City Clerk

JG/fm

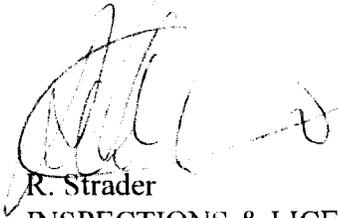
cc. Director of Development Services  
Director of Corporate Services  
City Solicitor  
City Assessor

NO. 3

DATE: August 8, 1995  
TO: Jeff Graves, Assistant City Clerk  
FROM: Ryan Strader, Inspections & Licensing Manager  
**RE: LAND USE BYLAW**

---

The recent amendment allowing trailers to park in the front yard of residential districts, will not require further amendment. Section 4.6(1) of the Land Use Bylaw currently covers the possibility of such a unit blocking sight lanes.



R. Strader  
INSPECTIONS & LICENSING DEPARTMENT

RS/yd

**FILE**

**DATE: July 18, 1995**  
**TO: Bylaws & Inspections Manager**  
**FROM: City Clerk**  
**RE: SETBACK OF TRAILERS ON CORNER LOTS**

---

At the Council meeting of July 17, 1995 the following resolution was passed with regard to the above topic:

"RESOLVED that Council of The City of Red Deer hereby directs the Administration to prepare a Land Use Bylaw Amendment that would limit the parking of trailers to the same set-back requirements currently provided for such obstructions as hedges and fences, and as presented to Council July 17, 1995."

Please review this matter to determine if a Land Use Bylaw Amendment is required or if the Bylaw already provides for the parking of trailers on corner lots.

I trust you will find this satisfactory.



KELLY KLOSS  
City Clerk

KK/fm

cc. Director of Development Services  
Director of Community Services  
City Planner  
City Solicitor

COMMENTS:

For Council's information, a Land Use Bylaw Amendment is not required.

"G. SURKAN"  
Mayor

"A. WILCOCK"  
Acting City Manager

#### 4.6 RESTRICTIONS ON CORNER SITES (SITE LINES)

- (1) No person shall erect, place, allow or permit any building, fence, screening material or object, or plant or permit to grow any hedges, trees or vegetation, whether natural planting or otherwise, which exceeds 0.9 metres in height on any portion of a corner site determined as follows: (2672/Y-89)
  - (a) where the corner site is at the intersection of two streets or at the intersection of two lanes, within a triangular area two sides of which shall be 4.5 metres long, measured from the corner of the corner site along the boundaries of the lot which meet at the said intersection, and the third side by drawing a line to connect the points so determined on each such boundary; or
  - (b) in the case of a corner site which is at the intersection of a lane and a street, within a triangular area two sides of which shall be 3 metres long, measured from the corner of the corner site along the boundaries of the lot which meet at the said intersection, and the third side by drawing a line to connect the points so determined on each such boundary.

#### 4.7 GENERAL AND MAINTENANCE

- (1) All sites at all times shall be maintained in a clean condition free from waste and debris and in compliance with the Nuisance Bylaw.
- (2) Garbage shall be stored in weatherproof and animal-proof containers and screened from dwelling units, adjacent sites and public thoroughfares. Garbage containers shall be in a location accessible for garbage collection and situated not less than 4.5 metres from the nearest door or window of a habitable room.
- (3) All doors and windows shall open entirely within the bounds of the site.
- (4) All roof drainage shall be directed onto the site or as specified by the City Engineer.
- (5) Any portion of a site not used for buildings, parking or loading areas, driveways or storage, shall be properly constructed and maintained as a landscaped area, and such area shall not be less than that prescribed by land use district regulations.
- (6) On the front yard of a site in a residential district, no fence or hedge more than 90 cm in height shall be permitted within 6 m of a driveway or lane.

#### 4.8 PROJECTION OVER YARDS

4.8.1 Except as provided in this part, a person shall not allow any portion of the principal building on a site to project over on a minimum yard as required by land use district regulations.

4.8.2 The portions of, and attachments to, a principal building, which may project over or on a minimum yard are:

- (1) On a site in a residential district:
  - (a) Front Yard: An unenclosed veranda, porch, balcony, or chimney, which projects not more than 1.5 metres over or on a minimum front yard. (2672/E-91)
  - (b) Rear Yard: An unenclosed veranda or balcony, which projects not more than 3 metres over or on a minimum rear yard. (2672/E-91)
  - (c) Side Yard:
    - (i) a canopy, eaves, or chimney, which projects not more than one half of the minimum side yard required for the site, (2672/E-91)

**FILE**

**DATE: August 15, 1995**  
**TO: Inspections & Licensing Manager**  
**FROM: Assistant City Clerk**  
**RE: LAND USE BYLAW/PARKING OF TRAILERS ON CORNER LOTS**

---

At the Council meeting held on August 14, 1995, consideration was given to your report dated August 8, 1995 concerning the above topic. At this meeting Council received the report as information with no change being required to the current Land Use Bylaw with respect to this item.

This is submitted for your information.

  
**JEFF GRAVES**  
Assistant City Clerk

JG/fm

cc. Director of Development Services  
Director of Community Services  
City Planner  
City Solicitor

NO. 1

**DATE:**        **August 4, 1995**  
**TO:**           **City Council**  
**FROM:**       **Assistant City Clerk**  
**RE:**           **LAND USE BYLAW AMENDMENT 2672/M-95**

---

A Public Hearing has been advertised in regard to the above noted Land Use Bylaw Amendment. The Public Hearing is scheduled to be held in Council Chambers on Monday, August 14, 1995 commencing at 7:00 p.m. or as soon thereafter as Council may determine.

Land Use Bylaw Amendment 2672/M-95 provides for changes to the Land Use Bylaw relative to:

- 1)    Housing definitions and social care residences;
- 2)    Adult mini-theatres; and
- 3)    Outline plans.

Following the Public Hearing Council may chose to give the Bylaw Amendment second and third reading.



**JEFF GRAVES**  
Assistant City Clerk

JG/fm

**FILE**

**DATE: July 18, 1995**  
**TO: Parkland Community Planning Services**  
**FROM: City Clerk**  
**RE: PROPOSED LAND USE BYLAW AMENDMENT 2672/M-95**

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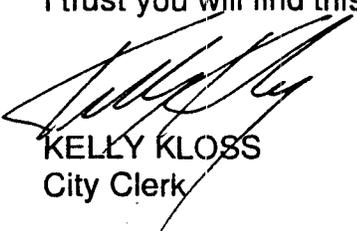
At the Council meeting of July 17, 1995, consideration was given to your report dated July 10, 1995 concerning the above topic, and at which meeting first reading was given to Land Use Bylaw Amendment 2672/M-95, a copy of which is attached hereto.

Land Use Bylaw Amendment 2672/M-95 provides for changes to the Land Use Bylaw relative to:

- 1) Housing definitions and social care residences;
- 2) Adult mini-theatres; and
- 3) Outline plans.

This office will now proceed with advertising for a Public Hearing of this Bylaw to be held on Monday, August 14, 1995 at 7:00 pm, or as soon thereafter as Council may determine. This Bylaw will be advertised in the Advocate on Friday, August 4 and 11, 1995.

I trust you will find this satisfactory.

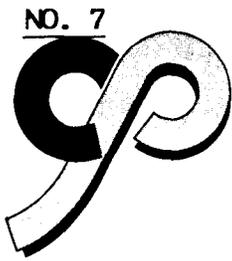


KELLY KLOSS  
City Clerk

KK/fm

attchs.

cc. Director of Community Services  
Director of Development Services  
Social Planning Manager  
Bylaws & Inspections Manager  
Council & Committee Secretary, S. Ladwig



**DATE: JULY 10, 1995**

**TO: CITY COUNCIL**

**FROM: TONY LINDHOUT, PLANNER**

**RE: PROPOSED BYLAW NO. 2672/M-95**

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The following matters, outstanding issues that have previously been discussed by either City Council and/or City departments, need to be implemented through amendments to the City's Land Use Bylaw. For the sake of efficiency, all are being combined into one amending Bylaw. The City's solicitor has reviewed the proposed amendments.

**1) Housing definitions & Social Care Residences**

The current Land Use Bylaw contains various definitions relating to different aspects of housing which has created some difficulty in interpretation and process. The confusion is primarily centred around reference in the definitions to various numbers of people i.e. Dwelling Unit - 3 boarders and 4 foster children; Social Care Residence - 6 unrelated persons; Boarding House - 4 or more children, etc. (see attachment containing existing definitions).

Minor amendments to word and definition terminology should clarify and simplify interpretation of the various housing related definitions. It would appear that by altering the definition of "Dwelling Unit", "Boarding House" and "Social Care Residence", and incorporating the definition of "Specialized care" into the definition of "Social Care Residence", that most of the confusion can be eliminated. By leaving "Special residential use - Social Care Residence" as a discretionary use in the R1 and R2 Residential Districts, the Municipal Planning Commission will be able to continue to assess any such application on its individual merit. No problem is anticipated by leaving "Social Care Residence" as a permitted use in the R3 Residential District and the DC(6) Direct Control District. No change is proposed to the "Day Care Facility" definition as this was recently amended by City Council and adequately deals with that specialized residential use. A new definition for "senior citizens residence" will define the 'lodge' type of seniors accommodation as this differs from the 'nursing home' type of seniors facility that provides long term institutional care.

**2) Adult Mini-theatres**

City Council had earlier received a report prepared by planning staff concerning the lack of any regulation in the current Land Use Bylaw governing adult entertainment theatres (peep shows, etc.).

CITY COUNCIL  
PROPOSED BYLAW NO. 2672/M-95  
PAGE 2

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Subsequently, planning staff were instructed to prepare a proactive Land Use Bylaw amendment that would address this potential issue by specifying requirements for the use in the Land Use Bylaw.

Adult orientated theatres are proposed to be defined under the term “adult mini-theatre”. Several existing definitions will require modification so that an adult oriented business as defined within the definition of “adult mini-theatre” does not fall under the parameters of any other definition. The new use “adult mini-theatre” will *not* be listed in any of the City’s Land Use Districts meaning that a specific land use bylaw amendment would have to be applied for and approved by City Council prior to such a use being established. Adult mini-theatres will also be subjected to parking requirements and minimum separation distances from certain vicinity land uses.

### 3) Outline Plans

Outline Plans currently exist for a number of areas within the City. These plans are required as a pre-condition for subdivision of larger land areas and implement City development policies and statutory plans. They include a public participation component and require approval by City Council. In order to better ensure the implementation of an outline plan, it should be securely tied to the Land Use Bylaw.

By defining outline plans and referencing them to the permitted and discretionary uses listed in the applicable land use districts, these plans will be linked to the Land Use Bylaw and therefore be binding on subsequent subdivision and development.

### Proposed Bylaw

It is proposed that all of the above noted issues be dealt with in one amending Bylaw.

### Recommendation

Planning staff would recommend that Council give first reading to proposed Bylaw No. 2672/M-95 attached hereto.



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Tony Lindhout, ACP, MCIP  
Planner

## EXISTING DEFINITIONS

**Boarding House** means a building containing sleeping rooms without cooking facilities, where lodging and meals for four or more persons is provided for compensation.

**Day Care Facility** means a facility providing care, development and/or supervision for 7 or more children under the age of 12 (including the operator's own children) for more than 3 but less than 24 consecutive hours in a day.

**Dwelling Unit** means one or more rooms that may be used as a residence for a single household with sleeping, cooking living and sanitary facilities, EXCEPT that in the case of a household consisting of two or more persons related by blood, marriage or adoption, three boarders or four foster children may reside therein as part of that household.

**Household** means an individual, or two or more persons related by blood, marriage or adoption or a group of five unrelated persons, all living together as a single housekeeping unit and using common cooking facilities.

**Social Care Residence** means a dwelling in which not more than six unrelated persons live together on a temporary or short term basis under specialized care.

**Specialized Care** means the provision of supervisory, nursing and medical or counselling services and homemaking care or services related thereto by one or more persons.

### COMMENTS:

We recommend that Council give first reading to the proposed  
Land Use Bylaw Amendment.

"G. SURKAN"  
Mayor

"M.C. DAY"  
City Manager

**BYLAW NO. 2672/M-95**

Being a Bylaw to amend Bylaw No. 2672/80, the Land Use Bylaw of the City of Red Deer.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1 Section 1.2 Definitions, is amended as follows:

- (1) By deleting in its entirety the existing definition of "Dwelling Unit" and replacing it with the following:

**"Dwelling Unit"** means a complete building or self-contained portion of a building used by a household, containing sleeping, cooking and sanitary facilities intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building.

- (2) By deleting in its entirety the definition of "Specialized Care".

- (3) By deleting in its entirety the existing definition of "Social Care Residence" and replacing it with the following:

**"Social Care Residence"** means a dwelling unit for the purpose of providing its occupants with specialized care in the form of supervisory, nursing, medical, counselling or homemaking services, or services related thereto, on a temporary or short term basis.

- (4) By replacing the word "four" with the word "five" in the definition of "Boarding House".

- (5) By adding the following new definitions:

**"Outline Plan"** means a plan that shows in detail the type, size and location of all land uses; the transportation network; the location and size of neighbourhood facilities such as schools and parks; the location of day care centres, social care facilities and church sites; and may also contain the staging of development and a conceptual servicing design.

**“Senior Citizens Lodge”** means a building designed for the long term housing of senior citizens sharing common cooking, eating, and housekeeping facilities but who do not require medical or institutional type care.

**“Adult Mini-theatre”** means any premises or part thereof wherein live performances, motion pictures, video tapes, video disks, slides or similar electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown as a principal use or an accessory or similar use to some other business activity which is conducted on the premises, and wherein each separate viewing area has a capacity of less than 20 seats.

- (6) By adding the words “but does not include an adult mini-theatre” to the end of the definitions of “Commercial Entertainment Facility”, and “Private Club or Organization”.
- (7) By adding the words “or adult mini-theatres” to the end of the definition of “Personal Services”.

2 Section 4.10.1 Parking Requirements, is amended by adding the following:

<u>Commercial &amp; Industrial</u>	<u>Parking Spaces</u>
“adult mini-theatre”	1.0 per 3 seats, with a minimum of 1 space for each individual viewing area containing 3 seating spaces or less

3 Section 5.2 Special Regulations, is amended by adding the following new subsection:

#### 5.2.4. Adult Mini-theatre

Unless otherwise approved by City Council, an adult mini-theatre shall not be located on a lot having a minimum radial separation distance of less than 150 metres from the lot line of every lot in a residential district, and from the lot line of any lot accommodating a public, separate or private school, any church, any public park or playground, or any other adult mini-theatre.

4 Sections 6.2.3.2. and 6.6.1.2 and 6.6.2.2 and 6.6.3.2 Permitted Uses of the C3, R1, R2 and R3 Districts respectively, are amended by adding to each after the words "Permitted Uses", the following:

, subject to any applicable Outline Plan approved by Council.

5 Sections 6.2.3.3 and 6.6.1.3 and 6.6.2.3 and 6.6.3.3 Discretionary Uses of the of the C3, R1, R2, and R3 Districts respectively, are amended by adding to each after the words "Discretionary Uses", the following:

, subject to any applicable Outline Plan approved by Council.

6 Section 6.6.3.3 Discretionary Uses, Sub-section (5) Special residential uses, in the R3 Residential District is amended by deleting "institutional homes for senior citizens, widows or children" and replacing it with "senior citizens lodge".

7 Section 6.6.2.3 Discretionary Uses, Sub-section (7) Special residential uses, in the R2 Residential District is amended by adding "senior citizens lodge" as a use.

8 Section 4.1 is amended by deleting it in its entirety and replacing it with the following:

#### 4.1 USE OF LAND

4.1.1 No person may develop land for any purpose unless it is in conformity with the Land Use Bylaw and a development permit has been obtained.

4.1.2 On receipt of a development permit a person may develop land for the purpose approved subject to meeting the regulations and any conditions that were attached to the approved permit.

9 Section 1.4.1 is amended by adding the following:

C1A - Commercial (Downtown West) District

R1A - Residential (Low Density) sub-District

10 This Bylaw shall come into full force and effect upon the passage of third reading.

READ A FIRST TIME IN OPEN COUNCIL this            day of            , A.D. 1995.  
READ A SECOND TIME IN OPEN COUNCIL this       day of            , A.D. 1995.  
READ A THIRD TIME IN OPEN COUNCIL this        day of            , A.D. 1995.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**DATE: APRIL 12, 1995**  
**TO: FRANK WONG, PLANNING ASSISTANT**  
**FROM: CITY CLERK**  
**RE: SEXUALLY ORIENTATED BUSINESSES (LIVE PEEP SHOWS, ETC.)**

At the Committee of the Whole Meeting of City Council held April 10, 1995, consideration was given to your report dated April 3, 1995 concerning the above topic.

At the above noted meeting, Council agreed that we should be proactive in regulating this issue before the problem develops. In this regard Council agreed that a Land Use Bylaw Amendment be considered following The City of Calgary's model.

I trust you will be presenting this matter back to open Council in due course.



**KELLY KLOSS**  
City Clerk

KK/clr

cc: Director of Community Services  
Director of Development Services  
City Solicitor



**RED DEER  
REGIONAL PLANNING COMMISSION**

2830 BREMNER AVENUE, RED DEER,  
ALBERTA, CANADA T4R 1M9

NO. 4

DIRECTOR: W. G. A. Shaw, ACP, MCIP

Telephone: (403) 343-3394  
Fax: (403) 346-1570

DATE: APRIL 3, 1995 **Confidential**

TO: CITY COUNCIL

FROM: FRANK WONG, PLANNING ASSISTANT

RE: SEXUALLY ORIENTED BUSINESSES  
(LIVE PEEP SHOWS, ETC.)

Attached please find reports by the Planning Departments in the Cities of Calgary and Edmonton, as well as an excerpt from the Alberta Report in regards to the above topic. Council members may be aware of the topic of "live peep shows" and the problems that the City of Edmonton is having in their efforts to regulate them. The arrival of this type of business has caused an uproar with area residents and adjacent businesses. They claim that the live peep shows will lower property value, affect the viability of adjacent businesses and attract undesirables to the area. The problem is that both Calgary and Edmonton did not have a proper definition for that particular use in their Land Use Bylaw to deal with this issue when the businesses opened. Both the cities are trying to bring in regulations after the use has been in existence. In conversations with the planners from the above two cities, they suggest that a detailed definition of "use" and appropriate "permitted land use districts" are needed to regulate the above businesses before they locate in the City.

In the City of Red Deer, the issue of sexually oriented businesses is very low profile. An unofficial inventory consists of the following; 1 triple x video store (although most video rental store have an isolated restricted adult section), 1 sex shop which specializes in novelty items and lingerie, and a couple of escort services. We do not have a problem yet in Red Deer, but it would take only one video store to put in a viewing booth in their premises to introduce the concept as was the case in Calgary.

Planning staff is seeking direction from Council to see if we should be pro-active in this instance and regulate this issue before the problem develops.

  
Frank Wong  
Planning Assistant

Att.

# Obscenity? What's that?

*How Canada's high courts unleashed live peep-shows on the West, and what's next*

A generation ago, a Toronto stripper was jailed for making lewd remarks to her audience while wearing flesh-coloured pants and two sequined butterflies over her nipples. It was a time when pasties and burlesque shows were considered risqué, and physical contact was strictly forbidden. Today, a naked stripper can sit on the lap of a club patron in Toronto and fondle his genitals. In Montreal, men can join strippers in a secluded chamber where both dancer and client are encouraged to masturbate.

The sex industry is breaking new ground in the West as well. In the Vancouver suburb of New Westminster, an old movie theatre was converted last year to a nude juice bar. Dancers will doff their garments at a patron's table for \$10, while \$20 buys a more intimate encounter in a darkened corner.

But the latest innovation surfaced in Edmonton last month, when two Centrefold Adult Entertainment Centres unveiled western Canada's first live peep-shows. For 50 cents a minute, a customer sits alone behind one-way glass watching a stripper perform and talking to her through an intercom. Tips enhance the lewdness of the act and the conversation. Toilet paper is on the house.

Local politicians have instinctively decried the newest sex trade novelty, just as they once fulminated against porn magazines in convenience stores, strip shows in taverns, Triple-X video shops and escort agencies. But there's not much they can do about any of it. In recent years, Canadian courts have approved increasingly liberal interpretations of obscenity laws. Traditional standards of morality have been felled by constitutional guarantees of freedom of expression, or they have been reinterpreted to suit feminist, homosexual, libertarian and corporate agendas. The end result is that terms like "obscenity," "community standards," and "public place" are no longer clearly defined.

Municipal bylaw officers and liquor control boards (in some provinces) have tried to fill the moral vacuum left by the courts. But local governments are handcuffed by their inability to legislate on moral issues,



PERRY MAHEED/MONTON SUN

**Peep-show stripper:**

*Terms like 'obscenity,' 'community standards' and 'public place' no longer mean anything in a criminal court.*

and their attempts to do so are repeatedly challenged. The arrival of peep-show strippers in Edmonton and the city's response once again raises the question: what constitutes obscenity and whom should determine and enforce community standards?



The first of the peep-shows opened in the city's core last month on a corner where prostitutes routinely ply their trade although it is scarcely a block away from the federal government's gleaming pink Canada Place office tower. A second opened three weeks ago in a west-end shopping district surrounded

by residential neighbourhoods. Both outlets have featured video peep-shows since 1991, along with hard- and soft-core pornographic magazines, videos and a wide assortment of sex toys, including an anatomically-correct plastic blow-up lamb.

The arrival of live peep-shows at the west-end location raised the ire of community residents and adjacent shop owners. They say the porn shop already attracts unsavoury characters to the area, creates a poor business climate, lowers property values, and drives away shoppers with strong moral objections to the kind of activity that takes place there.

Typical of the critics is Art Tisi, owner of West End Shoe Repair, who for 22 years has plied his trade on the block where the peep-shows are now located and has watched the area evolve from a strong business centre to a magnet for pawn shops and sleazy sex retailers. "Peep-shows don't belong here," he says. "This is a residential shopping dis-

tract. The city should create a bylaw and close the place down."

Edmonton politicians would love to oblige. They have slapped the operators with fines and ordered them to shut down. Alderman Bruce Campbell says the city does not approve of live peep-shows, but he stresses it is not trying to close them down on "moral grounds," since legislating morality is a responsibility of the federal government.

"What the law permits, we'll allow," says Alderman Leroy Chahley, "but we decide where they can locate." Indeed, no matter how strident the moral opposition, there is little

community residents can do to close down the peep-shows for good. Under the Criminal Code, as interpreted by the courts, the Centrefold Adult Entertainment Centres have a legal right to operate private strip shows.

Regulation through licensing and bylaws is the city's only recourse. The first action was taken in mid-June against the downtown location. The city planning department served a zoning violation notice on the grounds that "mini-theatres" are not permitted under existing land use regulations. The operators were fined \$500, and ordered to "cease and desist." A similar violation no-

tice was served on the west-end location two weeks ago.

As well, Ald. Chahley introduced a bylaw amendment last week which would force the peep-shows into heavy industrial areas, at least 150 metres from any residential district or school.

So far, the city's actions have been ignored. Every evening the dancers show up, as do the patrons and dozens of teenagers who break from the arcade games next door to mill around the store front where they ogle posters of half-dressed women hanging in the window. The manager for both outlets,

## Girls! Girls! Girls!

**S**toney Plain Road in Edmonton's west End was once the main street of Jasper Place, a proudly independent town until it was absorbed by Edmonton during the oil boom of the 1950s. After amalgamation, better roads to downtown Edmonton and new suburban malls syphoned away customers from neighbourhood businesses. Now the six-block long "West End Strip" is studded with used appliance stores, pawn shops, an abortion clinic, street missions, rowdy bars, tacky diners and hotels that are past their prime.

Despite a decade-long, multimillion dollar revitalization effort by the city, including decorative street lamps and interlocking brick sidewalks, the place is disintegrating. There are four porn video shops here, two with coin-operated viewing booths. The largest hotel in the area offers continuous strip shows from noon until the wee small hours. And at night, cabs cruise the bars looking for patrons too drunk to walk home.

It is here that Centrefold Adult Entertainment Centres opened one of its two peep shows in the city, the first outside Quebec to feature live "Girls! Girls! Girls!," as the banner out front proclaims. The peep shows are past the shelves of sex toys, S&M equipment, videos and magazines, past the curtain-shrouded entrance to the video viewing booths and down the back stairs.

Just beyond the basement pool tables, arcade games and snack bar are the 10 live peep show booths. Patrons, according to Mike Barrett, general manager of the two Centrefold outlets, are "middle-aged, middle-class men who come from all walks of life."

In the six ordinary booths, customers deposit loonies into a coin-operated timer next to a one-way mirror. Each dollar rais-

es the curtain for two minutes. Customers wanting the "dancer" behind the curtain (who cannot see or hear through the triple-pane glass) to disrobe, must also pass tips—typically \$5 to \$50—through a small slot under the mirror. Patrons and dancers use a telephone to "talk dirty" to one an-

STEVE SANDFORD



**Candy at work:**

*From her perspective, safe, clean and lucrative.*

other. All the tiny, dark cubicles are stocked with toilet paper and smell of disinfectant.

Candy Wild, a 26-year-old blonde and one of the performers, says she has been stripping professionally for 10 years. She confesses "I started out in Vancouver when I was 16. I entered a wet T-shirt contest and won. An agent saw me and asked me if I wanted to try dancing. When I found out how much it paid I said, sure. Ten years ago you could dance in bars if you were 16, but you had to leave as soon as

you were done dancing and you couldn't have any alcohol."

A veteran of strip bars and stag parties, Candy says she prefers the peeps. "I can't see anybody and they can't talk to me when I'm dancing. I am very safe. I've had some trouble dancing in bars. I've been picked up and carried off stages while I was naked. I've had guys grab my ankles, and yell obscene things and throw things at me. If the guy is someone who's spending a lot of money in the bar, the owners tend to let it go."

The money is good too. According to Candy, a single mother, "you're going to make a lot more than the \$300 every week you'd get from welfare." In fact, the strippers boast of earning between \$500 and \$2,000 a week.

Lisa Evans' experience is a sharp contrast to Candy's, however. The 270-pound Edmonton woman, was a dancer at Centrefold until customers complained about being offended at seeing her on the other side of the curtain. She told the *Edmonton Sun* that Centrefold's managers were "outright rude" in dismissing her from her job. Even though they have since made her a supervisor, she intends to file a discrimination complaint against the company with the Alberta Human Rights Commission.

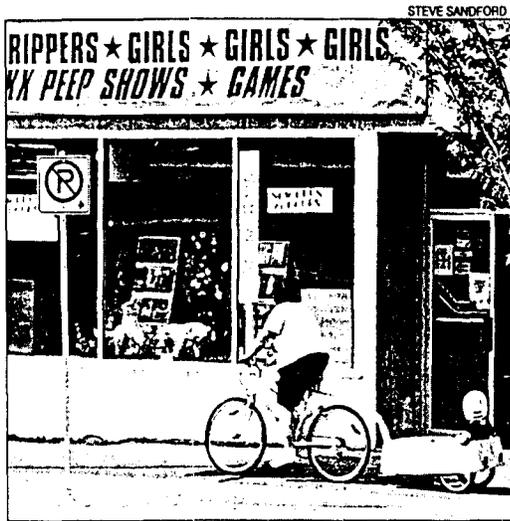
All the fuss is too much for many longtime business owners. Just last month, the branch of the Royal Bank of Canada across the street from Centrefold moved to a more upscale address. And Liz Heinlein, an employee of the 38-year-old Vienna Bakery says the shop will relocate to south Edmonton next month. Even the police are leaving. They move to a brand new station two miles west, this week.

—Lorne Gunter, with notes from  
Davis Sheremata

## THE LAW

Mike Barrett, says the owner intends to fight the violation notices and may sue the city for harassment.

Eventually, a stop-order will be issued, and if that fails, the courts will get involved. If it comes to a legal battle, the peep-show operators will likely argue that the city has acted outside its jurisdiction in attempting to move their business for moral reasons.



Edmonton sex shop: *The neighbours aren't happy.*

The courts, eager to maintain the historical division of judicial powers in the country, often find this argument convincing. For example, in 1983, the Supreme Court of Canada decided that Calgary wrongfully moved into the field of criminal law by attempting to eliminate street prostitution through traffic control bylaws.

Provincial governments are no better equipped to regulate the sex industry. If it were not for the fact that alcohol and sex are so often sold in combination, they might not concern themselves with it at all. But provincial liquor control boards (LCBs) are responsible for regulating the hotel industry, so the LCBs find themselves regulating strippers by default. In some provinces, notably Ontario and Quebec, the LCBs have declined to stipulate what sorts of activity can take place between performers and patrons in licensed strip joints, but public pressure in Alberta has forced the Alberta Liquor Control Board to spell out the rules.

The provincial Liquor Control Act requires a stripper to perform alone, on an approved stage that is at least three feet from the customer seating area. Physical contact is not permitted between the nude entertainer and patrons. The use of animals or props of a sexual nature is forbidden, as are simulated acts of violence and table dancing. Finally, the insertion of objects into, or extraction of objects from a performer's body is not permitted.

Repeated violation of these rules can re-

sult in a liquor license suspension or cancellation. Of course, these edicts do not apply in non-licensed operations (like B.C.'s nude juice bars, for example) or Edmonton's adult shops. Technically, there is nothing to stop these businesses from engaging in activities that are at least as raunchy as the ones occurring in Montreal and Toronto bars, where interactive sexual fondling, erotic performances involving animals, vegetables and sex toys, and acts simulating lesbian sex, sado-masochism and bestiality, are not uncommon.

A series of court decisions unleashed the sex industry from its moral shackles. In 1973, the Supreme Court decided that nude dancing was not immoral. Subsequent attempts by municipalities to regulate various forms of sexual commerce were thwarted by the courts. And in 1985, the Criminal Code sanction against "loitering," which had been previously used to prosecute street prostitutes, was eliminated.

In the 1990s, the trickle of decisions favourable to unrestricted commercial sexual expression became a flood. The first landmark decision was that of *Regina v. Butler*, heard by the Supreme Court beginning in June 1991. David Butler, a Winnipeg porn dealer, was charged in 1987 with 250 counts of possessing and trafficking in obscene hard-core videos and magazines. The police believed the Triple-X material "unduly exploited sex" or mixed sex with "crime, horror, cruelty or violence" and therefore contravened obscenity provisions in the Criminal Code.

A Manitoba trial judge acquitted Butler on 242 of the charges. He concluded that the most of the material was protected by the guarantee of freedom of expression in Section 2(b) of the Canadian Charter of Rights and Freedoms. The judge ruled that Canadians should be able to buy, sell and look at anything they like, unless it involved violent or forced sex, or minors. He convicted Butler on eight counts of selling material which portrayed dehumanizing and violent sexual activity.

Unsatisfied with the lower court's decision, the Crown appealed the acquittals. In 1990, the Manitoba Court of Appeal entered convictions on all 250 counts. A majority felt the materials in question fell outside the protection of the Charter since all of them

portrayed raw sexual acts. No mutual affection was shown and the only interaction was physical. They said this degraded human sexuality.

Butler, who died of a heart attack two weekends ago in Calgary at the age of 67, appealed the convictions to the Supreme Court where nine justices unanimously overturned the Appeal Court decision. Mr. Justice John Sopinka authored the Supreme Court ruling, arguing that only the worst types of pornography should be outlawed "not because it offends against morals but because it is perceived by public opinion to be harmful to society, particularly women."

In other words, traditional morals would no longer serve as the yardstick for measuring obscenity; instead, the court adopted feminist orthodoxy and made obscenity into an equality issue for women.

In defining obscenity, the court also attempted to clarify the expression "undue exploitation of sex" by dividing sexual acts into three categories: explicit sex with violence; explicit sex without violence that subjects people to treatment that is degrading or dehumanizing; and explicit sex without violence that is neither degrading nor dehumanizing.

The court said explicit sex with violence is obscene. But it decided that the third type of explicit sex is acceptable, unless it involves minors. Mr. Justice Sopinka stated that "maintaining conventional standards of propriety" violates the Charter's protection of freedom of expression.



Shoe repairman Tisi: *The city should shut them down.*

The second category of explicit sex was found to be obscene only if it is degrading or dehumanizing. Toronto constitutional lawyer Peter Jervis says this "immediately begs the question of what is degrading or dehumanizing." In *Butler*, the court neglected to define these terms.

This is where "community standards" enters in. According to the 1985 case *Towne Cinema Theatres Ltd. v. The Queen*, courts are required to determine whether sexually explicit material, when viewed in the con-

text of the whole work, would be tolerated by the community as a whole. The test is not what Canadians think is right for themselves to see, but what they could not tolerate others seeing either.

In *Butler*, the Supreme Court attempted to maintain uniformity by stating that "community standards" should reflect the standards of society "as a whole." No distinction was made between standards of tolerance in rural Alberta and those in urban districts dotted with sex shops, and the idea of moral absolutes was abandoned altogether. Where freedom of expression and community values are seen to conflict, the former takes precedence.

Having established these exclusively defined ground rules, the Supreme Court moved on to *Regina v. Tremblay*, where it decided that Canadians are willing to tolerate private nude dancing during which customers masturbate. The case set a new standard of what constitutes acceptable live performances involving sexual activity.

The secluded strip shows were held in Montreal's Pussy Cat club. For \$40, a patron could select a stripper and take her into a private cubicle. The client was invited to undress and masturbate while the naked performer made erotic gestures on a nearby mattress. The stripper was also permitted to give herself orgasms, though both were expected to adhere to a strict "no touch-

prostitution, and a police officer who investigated the Pussy Cat strip shows. The fact that no complaints were received from nearby residents or club patrons was viewed as a sign of community tolerance.

Lower courts are typically more conservative when they interpret community standards. In 1992, Hamilton porn dealer Randy Jorgensen was convicted in the Ontario provincial court of peddling obscene videos. The trial judge in that case found that films like *La Bimbo*, *Lawyers in Heat* and *D-Cup Delight*, involved only gratuitous sex unrelated to a meaningful story line. The films depicted everything from group sex to anilingus, photographed from every conceivable angle.

The trial judge decided that raw sexual activity, devoid of anything but the pure physical act, is degrading and dehumanizing. But last fall, the Ontario Court of Appeal disagreed. It found no evidence that raw sexual depiction violates community standards. The Crown's request for an appeal was turned down by the Supreme Court.

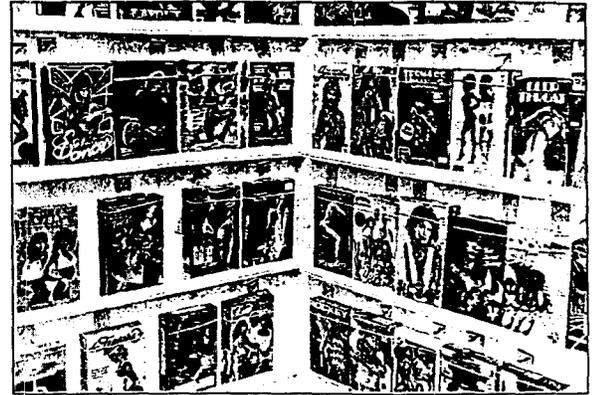
But if the acts portray violence against women, the higher court is more likely to uphold a decision. In a separate case last year, Jorgensen appealed a lower court decision in which he was found guilty of selling videos that portrayed violent sex. In one, a man forces his wife to submit to anal sex, against her will, and then slaps her buttocks until they turn reddish in colour. In another, female inmates in a prison are stripped naked, spanked and ordered to perform sexual acts on each other.

The appeal court upheld the lower court's decision, rejecting the defence's argument that because the films passed inspection by the Ontario Film Review Board, they did not offend community standards. When the Supreme Court hears Jorgensen's appeal next spring, he will argue that film review board's rulings are an accurate measure of community standards and should be the final arbiter of what is and is not acceptable.

Bill Johnston, head of the Toronto-based Canadians for Positive Community Standards, finds that argument specious. "Film boards tend to be stacked by gays and people from the arts community, many of whom oppose any kind of censorship. Besides, they re-

peatedly ignore their own written rules."

Mr. Johnston says the courts need assistance "in determining community standards. What is degrading and dehumanizing? Since the *Butler* decision, this question has never been clearly answered." Until they are, the sex industry is expected to keep pushing the boundaries outward.



Porn videos: If it's legal on film, it's legal on stage.

Witness, for example, a decision last February in Ontario provincial court on "lap dancing." Several taverns in metro Toronto, with fetching names like *Fantasia* and *Cheaters*, allow performers to join patrons in darkened corners where, for a healthy tip, mutual fondling is the order of the day. After receiving several complaints, the Toronto police morality squad investigated, with undercover officers subjecting themselves to four or five engagements "to get a feel for the show," soberly reports detective constable Austin Ferguson. The owner of *Cheaters* was subsequently charged with presenting an indecent performance in a public place, but the court acquitted him.

"The conduct complained of in this case," reasoned the trial judge, "is innocuous by comparison" to the type of explicit sex that takes place in hard-core videos now permitted by the courts. Therefore, he argued, lap dancing could not possibly offend community standards. He also conceded that had it not been for the *Butler*, *Tremblay* and *Jorgensen* cases, "there would have been little difficulty in finding [lap dancing] indecent." The Crown is appealing the decision.

Given that the definitions of obscenity have become so subjective and remote, the last hope for people who object to current trends may be in the Criminal Code rules governing nudity and sex in a public place. But these too are being challenged. Although a live theatre has traditionally been viewed by the courts as a public place, the Supreme Court disagreed that the private rooms in the Pussy Cat club in Montreal were "public" in the strict sense of the term. To



Ald. Chahley: Morally-inspired civic interference is legally weak.

ing" policy.

The Montreal police charged the club owners with keeping a common bawdy-house for the purpose of practising indecent acts. The Quebec Court of Appeal upheld a lower court conviction in 1991, but the Supreme Court found the acts were not indecent "when viewed in light of the current standard of community tolerance."

To ascertain community standards, the court called in "expert" witnesses: a psychologist, a sexologist, a government report studying the problems associated with pornography and

the court, "common sense indicates" that the words "public place" can be perceived in a number of different ways.

The unwillingness of the courts to uphold traditional moral standards has many Canadians concerned about what lies on the horizon. Will live sex acts soon be permitted in Toronto, Vancouver or Calgary? John Sewell, a Toronto mayor in the 1970s, believes so. "We will certainly go as far as Amsterdam, where you have live sex shows," he told the *Globe and Mail* in March. "And maybe as far as New York City where all sorts of strange things go on." It is inevitable, declared Mr. Sewell. "There is [a] desperate search for individual satisfaction."

In Edmonton, the same concern is expressed by Alderman Chahley. "What's the next step after peep-shows? The people who operate these establishments keep pushing the limits to see how far they can go. They'll push right up to the point where they will just about cross the line into keeping a common bawdy-house." And when it comes to that, who says bawdy-houses are so bad?

University of Calgary classics professor Barry Baldwin draws the line at public sex acts, but he doesn't believe the government should interfere with what takes place within the confines of a private business. Neil Boyd, a criminologist at Simon Fraser University, is "not sure we should have obscenity laws at all" because "historically, they have been used against gays and lesbians" and "tend to limit free expression." Like the feminists, Prof. Boyd believes pornography should be banned only if it "advocates hatred against women."

But social conservatives, concerned about the growth of promiscuity among teens and the rising number of sex crimes, insist that some limits on free expression are necessary. "We know that pornography has a ripple effect on society," argues REAL Women's Gwen Landolt. "To think we should be able to do what we like and bear no responsibility for the firestorm we leave behind us is ridiculous."

"We should not be afraid to draw lines on these issues," agrees Jim Sclater, director of public policy for Focus on the Family in Vancouver. "There ought to be a clear law prohibiting immoral behaviour. It's not good for the community. A lot of Canadians think porn is *Playboy*. They have no idea what kinds of graphic images are involved."

Educating the public, and the courts, is the key, according to Audrey Krushel, president of the Winnipeg-based Group Against Prostitution. "I think the courts will listen if we can show that lustful portrayals of raw sexual acts are harmful to society and repugnant to most Canadians."

—Peter Verburg

## Two out of 25 is better than none

Rock's new crime council is heavily loaded with softies

Federal Justice Minister Allan Rock has refused to contemplate a radical reform of Canada's criminal justice system, responding that claims of a crisis are mistaken and politically partisan. While polls have repeatedly shown that Canadians want action, and federal figures show that Canada's comparative crime rate has almost quadrupled since 1962, Mr. Rock has decided that what is needed is more talk. Two weeks ago he and Solicitor-General Herb Gray unveiled the National Crime Prevention Council, a 25-member advisory board dominated by members of special interest groups.

The council has a five-year mandate, a budget of \$4 million and will report to the Justice Department yearly. Its purpose is to "share and exchange crime prevention information, research and activities across the country. The Council reflects a broad-based approach, including social development, community involvement, reduction of opportunities for crime, and effective justice responses."

Most council members represent organizations not known for advocating a get-tough approach. Its chairman is a university criminologist. Members include a "systemic racism" expert; three "social development" experts; a social work professor; a literacy expert; a gun control advocate; the national head of the Elizabeth Fry Society; an "elder abuse" expert; an immigration advocate and several feminists.

Also appointed was Edmonton Police Service (EPS) Chief Doug McNally. Mr. Rock has lauded Edmonton's Safer Cities program as an example of "what can be achieved ... through [the] intelligent reallocation of resources and tackling the problem in a new and creative way to produce results." The EPS's submission to the provincial government's Young Offenders Act task force, which called for full provincial funding of kindergarten, indicates that Chief McNally is another proponent of battling crime through social programs.

Two members of the council who will de-

mand a tough approach are Priscilla de Villiers and police detective Neil Jessop. Mrs. de Villiers founded CAVEAT, Canadians Against Violence Everywhere Advocating its Termination, after her teenage daughter Nina was brutally murdered in 1991 by Jonathan Yeo, a man with an 11-year history of sexual sadism who had been released on bail.

Mrs. de Villiers is concerned about the council's makeup, but argues, "It's almost an act of cowardice to snipe from the outside." She admits that the council exists in part to bolster what she calls Mr. Rock's "self-serving" belief that crime is not increasing, but she adds, "There is a need to put forward our point of view." There are simple things that can be done now to help fix the justice system, she says.

"My question [to the government] is 'How many bodies are you prepared to sacrifice?' and I'll be saying that loudly and clearly."

Det. Jessop, president of the Canadian Police Association, was not particularly impressed by the council's first meeting: "Most are people whose attitudes [towards crime] are pretty 1980." Still, he believes that the council can accomplish much by sharing resources and information between jurisdictions. His own participation will depend on what it does. "I hope we see more progress. If that's not forthcoming in a year, you can bet I won't be there."

New Westminster-Burnaby Reform MP and justice critic Paul Forsyth belittles both the council's purpose and its prospects. The Liberals "are adrift with no charted course...hoping that this odd collection will give them some advice and direction. But the council will not discover anything new," he says. Mr. Forsyth, who was a probation officer for 22 years, believes that it exists merely to buy time for Mr. Rock and "take some of the heat off the government." He concludes of the justice minister: "You're never going to get a reality-based justice response from a bleeding-heart Liberal."

—Kevin Michael Grace



Edmonton Police Chief McNally: More fully-funded kindergarten.

## ENCLOSURE II

REPORT - ADULT MINI-THEATRES (Bylaw No. 9859)

RECOMMENDATION: That this report be received as information.

HISTORY

At the regular meeting of City Council held on May 28, 1991, the following motion was passed by Council:

"That the Office of the City Solicitor and the Planning and Development Department prepare a report and recommendation for City Council respecting possible amendments to the Land Use Bylaw which would control "peep show" development generally as follows:

- by establishing a use class for this type of development whereby it can be identified as a use class separate from any other;
- by including the use class in specified land use districts; and
- by listing development regulations which would specify under what conditions the use would be allowed in the respective land use districts."

In follow-up discussions, Alderman Paull has indicated that she wishes the report to include a bylaw amendment for review and discussion by City Council.

REPORT

In considering an appropriate approach to control of "peep show" developments, input was sought from the City of Calgary, Planning and Building Department, which had reviewed the issue based on a request from Calgary City Council on May 22, 1990. That Department conducted an extensive review of relevant literature, existing case law in both the U.S. and Canada, and precedents in other Canadian municipalities. Briefly, the Calgary Planning Department's findings were as follows:

1. Content neutrality is important. Case law review in Canada and the U.S. indicates that legislation designed to control sexually-oriented businesses must be directed at "secondary impacts" (i.e., movement of "legitimate" adjacent businesses and an associated deterioration of the buildings which house these businesses), rather than at the acceptability or morality of the business itself. Calgary's investigation failed to reveal the development of any of these "secondary impacts" in the vicinity of existing sexually-oriented businesses in Calgary.

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2. Locational availability is important. Legislation enacted to control sexually-oriented businesses must ensure that there are still enough locations available to allow the conduct of such business. Complete prohibition through zoning control is inappropriate as a pretext to control free speech.
3. Concentration and proximity are key factors. Examples from the Canadian legislative context show that concentration of such businesses in an area can contribute to the development of the aforementioned "secondary impacts". Proximity of such businesses to residential and "community" uses such as schools and churches might also be unacceptable on the grounds of secondary impacts such as additional traffic, hours of operation or patron behaviour.

Calgary's response was to address these three elements through a zoning bylaw amendment:

1. create a new use class to define "peep shows";
2. allow this new use class as a discretionary use in the I-3 (Heavy Industrial) District (note this is only applicable to future applications, and has no bearing on existing businesses); and
3. provide a series of development criteria applicable to this use class, including a minimum separation distance for this use from residential and "community" uses, and other "Adult Mini-Theatre" uses, to avoid concentration, and a minimum parking requirement.

If the City of Edmonton was to consider a similar approach to Calgary, the required amendment to the Land Use Bylaw No. 5996 would have to contain the following elements:

- amendment to the definitions for Major and Minor Amusement Establishments, under Sections 10.3.3 and 10.3.3a respectively, and the definition for Spectator Entertainment Establishment under Section 10.7.13, to specifically exclude "Adult Mini-Theatres" from these Use Classes;
- creation of a definition of "Adult Mini-Theatre" under Section 10.4, and in particular to include in the definition a reference to the subject material which may be shown;
- amendment to Section 430.3 to allow Adult Mini-Theatres as a Discretionary Use in the IH (Heavy Industrial) District;
- creation of Special Land Use Provisions for Adult Mini-Theatres, concerning minimum distance from residential areas, churches, parks, schools and other Adult Mini-Theatres, under Section 96;
- amendment to Section 430.5 to require compliance of Adult Mini-Theatres in IH Districts with the Special Land Use Provisions of Section 96; and,

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- amendment to Schedule 66A to create a specific on-site parking requirement for Adult Mini-Theatres.

These elements are contained in the attached draft Bylaw.

Planning and Development does not recommend passage of this Bylaw, for the following reasons:

- it will have no effect on the existing "peep show" operations along Stony Plain Road, which generated concern among area residents and resulted in Alderman Paull's motion; and
- regardless of attempts at content neutrality in this bylaw, and its direction to mitigate secondary land use impacts, there is no proof at this time that secondary land use impacts are generated in the vicinity of these "peep shows", and directly as a result of them. The use class definition proposed refers specifically to the showing of the nudity or partial nudity of any person. The Land Use Bylaw is intended to regulate development on the basis of land use impact, not other considerations. This leaves the bylaw vulnerable to legal challenge on the basis of improper use of the Land Use Bylaw, to dictate a moral position. Experience in other municipalities, such as Vancouver, has seen such legal challenges succeed.

Written by: Gary Leobold  
Reviewed by: Charlotte St. Dennis,  
Office of the City Solicitor  
Approved by: Bruce Duncan  
Planning and Development Department  
July 4, 1991

C.P.C. 1991 January 23

PLANNING & BUILDING DEPARTMENT REPORT  
TO THE CALGARY PLANNING COMMISSION

14

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REG. DEPT. OF PLANNING  
PLANNING COMMISSION

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MUN	CITY	TECH

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FAX

To: FRANK WONG

Dept.: RED DECK RENTL PLAC.

Fax No.: 346-1570 COMM.

No. of Pages: 9

From: JACK SAUNDERS

Date: 94-08-24

Company: CITY OF CALGARY

Fax No.: 268-5623

Comments: \_\_\_\_\_

Fax ped 7903E

RE: REGULATION OF SEXUALLY ORIENTED BUSINESSES

BACKGROUND

During its meeting on 1990 May 22, City Council approved the following motion by Alderman Scott:

Whereas predominant community standards call for shops showing pornographic material to be banned from areas adjacent to residential zones or from areas to which children go (as for Churches, Sunday Schools and the like);

Now therefore be it resolved that Council request the Administration to outline options available to Council and/or Calgary Planning Commission in controlling the existence and/or the location of such shops; such report to include possible modifications to the Land Use By-law.

This issue arose as a result of unlicensed video viewing booths, generally referred to as "peep shows", being added to an existing retail store and video rental outlet. Although the business is located within a long-standing C-3 General Commercial District, several concerns were expressed that this type of use was improperly located with respect to residential uses, churches and schools in the vicinity.

Within the C-3 General Commercial District, the Land Use By-law allows retail stores (which includes both sales and rentals of merchandise) as a permitted use, and entertainment establishments (which includes theatres or cinemas) as a discretionary use. A development permit application for the unlicensed use noted above was received and processed in the usual fashion after the owner was advised of the need for such a permit, and was eventually approved by the Development Officer. That approval was appealed by a nearby church, and subsequently refused by the Development Appeal Board for lack of parking. A new application for the same uses with additional off-site parking was again approved by the Development Officer, appealed to the Development Appeal Board and refused on 1990 December 13. The reasons for refusal were that the proposed use was a discretionary use, and "that this particular use and this particular relaxation would have a negative effect on the neighbouring properties."

INVESTIGATION

1. Legal Jurisdiction

A review of the various levels of legislation indicates that pornography falls under the Criminal Code of Canada which is enforced by federal, provincial and municipal police forces as appropriate. The determination as to whether or not any product is pornographic rests with those police organizations and cannot be addressed by municipalities under provincial planning legislation.

2. U.S.A. Examples

A literature review on the impacts of such businesses on the community, and how they might be mitigated, was also carried out. One of the most current and thorough reports is by the State of Minnesota and is entitled Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses. Although the United States has a somewhat different legislative system for dealing with such issues, many of the conclusions of the report are relevant to the Canadian situation.

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For example, the Minnesota report states that "the character of a neighbourhood can dramatically change when there is a concentration of sexually oriented businesses adjacent to residential property." In the case of Minneapolis, the report noted that "the location of sexually oriented businesses has also created a perception in the community that this is an unsafe and undesirable part of the city." The authors of the report concluded "that community impacts of sexually oriented businesses are primarily a function of two variables, proximity to residential areas and concentration." This conclusion is repeated throughout the literature.

American case law provides several examples where the U.S. Supreme Court has upheld the validity of municipal adult entertainment zoning regulations where the ordinance (by-law) was directed at preventing the secondary effects of adult establishments rather than protecting citizens from unwanted "offensive" speech. In other words, where it managed to avoid conflict with the U.S. First Amendment by being "content-neutral" in time, place and manner regulations. The American case law "suggests that the two most critical areas by which the ordinances will be judged are:

- 1) whether there is evidence that ordinances were enacted to address secondary impacts on the community, and
- 2) whether there are enough locations still available for sexually oriented businesses so that zoning is not just a pretext to eliminate pornographic speech."

## 3. Canadian Examples

## a) Alberta

Several of the larger municipalities in Canada were contacted to ascertain how they dealt with the land use planning problems associated with "adult" or "sexually oriented" businesses. Once again, there is no singular scheme which works for everyone. Many Canadian cities, including Calgary and Edmonton, do not presently attempt to identify or regulate sexually oriented businesses, although both cities have recently become concerned over the establishment of "peep shows." Edmonton's problem is compounded by the interpretation of their License By-law definition of "amusement arcades" as including coin-operated "peep shows" and thereby allowing the licensing of such operations in local commercial areas.

At the present time Calgary does not regulate any type of adult entertainment establishment. Under the License By-law many such uses are categorized according to existing use definitions, such as retail stores and cinemas, and are dealt with accordingly. Development permit applications are also reviewed using existing use definitions and land use rules.

## b) British Columbia

The City of Vancouver defined "sex-oriented products" and attempted to prohibit them through their Zoning and Development By-law. The British Columbia Court of Appeal, however, allowed an appeal holding that the definition was "void for vagueness and uncertainty." In a summary report to City Council, the Director of Legal Services for Vancouver noted that "defining pornography is an effort that has been attempted in hundreds of North American jurisdictions, with singular lack of success". British Columbia has a Censorship Board that reviews and classifies movies and videos, but apart from that no attempt is now made to regulate sexually oriented businesses.

## c) Manitoba

The Province of Manitoba also has a Film Classification Board to provide a comprehensive procedure for the classification and regulation of films, and to license and regulate all persons who rent, distribute or sell films or videos; although no such regulations have been established dealing with videos to date. The City of Winnipeg, under its License By-law, only regulates massage parlours and dating and escort services. The City of Winnipeg Act specifically precludes the licensing of retail sales transactions, and does not include the power to define or specifically regulate material which in the opinion of Council is pornographic.

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## d) Ontario

The Province of Ontario provides its municipalities with two legislative tools to control these types of businesses. The Planning Act, which allows for the prohibition of specific uses in various zoning districts, and the Municipal Act. The Ontario Municipal Act defines "Adult Entertainment Parlour" and allows municipalities to pass by-laws for:

- 1) Licensing, regulating, governing, classifying and inspecting Adult Entertainment Parlours (AEPs);
- 2) Regulating signs and advertising promoting Adult Entertainment Parlours;
- 3) Defining the area or areas of the City in which Adult Entertainment Parlours may or may not operate, and limiting the number of licenses to be granted; and
- 4) Regulating the hours of operation of AEPs.

The Regional Municipality of Hamilton-Wentworth conducted a survey of 9 other municipalities in 1987 as part of its research on the subject and found that 3 had regulations in effect under the Municipal Act, 5 had regulations under the Planning Act, and 1 had no regulations. As a result of their research, Hamilton passed a by-law under the Municipal Act defining and controlling Adult Entertainment Parlours, Class H (dealing with live performances). The Hamilton by-law requires a minimum radial separation distance of 180 metres (600 ft.) from any residential district, and limits the number of such establishments in the city to eight.

## e) Nova Scotia

On the east coast, the City of Halifax has an Adult Entertainment Zone which is a general commercial zone plus a number of defined uses which can only occur in that zone. The rules for the Adult Entertainment Zone include a 300 foot separation from any school, library, park, playground or other recreational facility, any church, convent, synagogue or similar place of worship, or any other adult entertainment use. The Halifax by-law also has specific rules governing the signage for such uses.

SUMMARY

Alderman Scott's motion is aimed at controlling the existence and/or location of shops "showing pornographic material". Unfortunately, the determination as to whether or not certain materials are pornographic lies with the Calgary Police Service in its enforcement of the Criminal Code of Canada. Such determinations, of necessity, occur after the use has been established and generally do not affect all the merchandise of a particular business.

Where planning controls have been successfully instigated to regulate sex oriented businesses, they have been aimed at mitigating the secondary effects of such uses on the community without making any judgements as to the acceptability of the products sold or the morality of the patrons who avail themselves of them.

The general consensus is that, firstly, such uses should not be allowed to concentrate in any specific area because of evidence, primarily from American cities, that such concentration can contribute to the actual deterioration of a neighbourhood as a result of other uses leaving an area, buildings falling into disrepair and then being taken over by vagrants. Secondly, such uses should not be allowed to locate in close proximity to residential and certain other "community" uses which might be adversely impacted by the traffic generated, the hours of operation or the behaviour of patrons outside the premises. It must be pointed out that none of these secondary impacts have been documented in relation to any of the existing "peep shows" in Calgary.

ALTERNATIVES

Alderman Scott's motion requested that this report also "include possible modifications to the Land Use By-law". The normal process in responding to such a request is to outline the various options, and ramifications of each, in a report for Council's consideration. Council would then select the option they felt most appropriate and instruct the Administration to amend By-law 2P80 accordingly through the normal consultative process with interested or affected groups, the testing of the proposed new rules and the advertising of a public hearing. In this instance, the Planning & Building Department has been requested to bring forward a draft by-law amendment, properly advertised, directly to Council with this report.

The alternatives considered to address the issue were:

1. Leave the by-law unchanged since the secondary effects that have occurred in other cities that can be directly attributed to such uses as "peep shows" have not been identified in Calgary.
2. Prepare amendments to the by-law that would include all "adult businesses" that either have, or might wish to, locate in Calgary.
3. Prepare an amendment to the by-law that would address the "peep show" businesses which have recently become an issue in the city.

The Planning & Building Department has determined that alternative 1 would be unacceptable, and alternative 2 would require considerable time and staff resources to do properly, which could only occur at the expense of higher priority projects currently underway. Alternative 3 has therefore been pursued and a draft amendment is included as Appendix 1. The amendments proposed are to introduce the use definition of "adult mini-theatre"; add the new use term as a discretionary use in the CM-2 and I-2 districts; add a general use rule for commercial, industrial and downtown commercial districts requiring a minimum separation of 153 metres (500 feet) from residential and community uses; and introducing a parking requirement for the new use.

Council should be aware that the draft has been prepared by the Administration without any input from special interest groups, representatives from potentially affected businesses or the public at large.

The Law Department has pointed out that the draft by-law amendments as set out in Appendix 1 will have no legal impact on the existing "peep-show" businesses in the city which are currently involved in litigation.

CONCLUSION

The City's regulation of commercial uses must be content neutral, that is, it cannot be based on the sale or showing of pornographic materials. The Province of Alberta has a Board of Censors which classifies films, but not videos, as to content. The City Police Department's Vice Squad monitors the content of live performances (strip clubs) which are licensed by the City as cabarets, and the vending of merchandise that may be pornographic.

The most direct way of dealing with "peep shows" is to define a new use term within the Land Use By-law to establish the use to be regulated; establish a minimum separation distance between such uses and residential areas and other uses, clarify parking requirements and alter those definitions necessary within the License By-law to avoid misinterpretations in the future.

It must be emphasized however that, as demonstrated by the Vancouver example, preparing appropriate definitions is very difficult and susceptible to legal challenges. Care must be taken to ensure clarity in the wording in order to make a definition supportable from a planning standpoint, defensible from a legal standpoint and practical from an operational standpoint.

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RECOMMENDATION

- A. Recommend that Calgary Planning Commission advise City Council that, if it wishes to exercise greater control over the location of "peep shows", it approve the proposed by-law amendments contained in Appendix 1 of this report.
- B. Calgary Planning Commission instruct the Administration to prepare a by-law amendment to By-law 2P80, the Land Use By-law, in accordance with Appendix 1 of this report and carry out the necessary public notification procedures to have that amendment considered by City Council at the public hearing to be held 1991 March 11.
- C. That the Administration review, and amend as required, the appropriate definitions in the License By-law to ensure consistency with the definition of "adult mini-theatre" in the Land Use By-law to prevent any duplication of uses within two or more definitions, to ensure the use which Council wishes to control does not avoid regulation by meeting the definition of a less objectionable use.

Planning  
Commission  
Decision:  
(91/01/23)

The Commission recommended that City Council APPROVE the following:

1. The Commission ADVISED City Council that, if it wishes to exercise greater control over the location of "peep shows", it approve the proposed by-law amendments contained in Appendix I of this report, with amendments as outlined in #2 below.
2. The Commission INSTRUCTED the Administration to prepare a by-law amendment to By-law 2P80, the Land Use By-law, in accordance with Appendix I of this report but with the following amendments:

Amend Appendix I, "Proposed Amendments to By-law 2P80" as follows:

- a) Delete #4 referring to Section 33;

Moved by: Alderman Clark,  
Carried: 10-0

- b) Delete in #2, reference to 45(4) and replace with 46(4);

Moved by: Alderman Clark,  
Carried: 10-0

- c) In #5 and #6 amend separation distance from 153 to 305 metres;

Moved by: Alderman Ray Clark;  
Carried: 9-1

Opposed: Mr. Dennis Bathory

Reasons for Opposing:

Proposed distance of 153 m appears adequate to serve the intent of the by-law;

- d) Add new #6 to amend Sections 44.2 and 45.2 respectively by adding immediately after the words "gaming establishment - Casino" the following: ", and Adult Mini Theatre"

Moved by: Alderman Clark;  
Carried: 10-0

Main Motion Moved by: Mr. Oliver Bowen,  
Carried: 10-0

- 3. The Commission RECOMMENDED that Council direct the Administration to review, and amend as required, the appropriate definitions in the License By-law to ensure consistency with the definition of "adult mini-theatre" in the Land Use By-law to prevent any duplication of uses within two or more definitions, to ensure the use which Council wishes to control does not avoid regulation by meeting the definition of a less objectionable use.

Planning  
Commission  
Decision:  
(91/02/06)

Motion arising from the minutes of 1991  
January 23:

- 1. The Commission RECOMMENDS that with respect to item M-91-003, Council amend the definition of Entertainment Establishment in the Land Use By-law 2P80 as follows:
  - a) Section 4(37) is amended by adding immediately after the words "gaming establishment - Casino" the following: ", or adult mini-theatre."

Moved by: R. K. Parker  
Carried: 9-0

Action  
Recommended:

Give three readings to the proposed by-law which incorporates the Commission's amendments.

## Appendix 1

## Proposed Amendments to By-law 2P80

The following amendments are proposed to the text of the Land Use By-law, By-law 2P80.

1. Section 4 is amended by the addition of the following:

"(2.1) adult mini-theatre means any premises or part thereof wherein motion pictures, video tapes, video discs, slides or similar electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are shown as a principal use or an accessory to some other business activity which is conducted on the premises, and wherein each separate viewing area has a capacity of less than 20 seats."

2. Sections 42.3(4) and 45(4) are amended by adding (alphabetically) the following:

"adult mini-theatre".

3. Section 18(2) is amended by adding (alphabetically) the following:

"adult mini-theatres -- 1 space per 3 seating spaces, with a minimum of 1 space for each individual viewing area containing 3 seating spaces or less."

4. Section 33 is amended by the addition of the following:

"18. ADULT MINI-THEATRE

An adult mini-theatre shall only be located on a lot having a minimum radial separation distance of 153 metres from the lot line of every lot in a residential district, and from the lot line of any lot accommodating a public, separate or private school, any church, any public park or playground, or any other adult mini-theatre."

5. Section 42.1(7) is amended by the addition of the following:

"(e) An adult mini-theatre shall only be located on a lot having a minimum radial separation distance of 153 metres from the lot line of every lot in a residential district, and from the lot line of any lot accommodating a public, separate or private school, any church, any public park or playground, or any other adult mini-theatre."

6. Section 43 is amended by the addition of the following:

"(ii) An adult mini-theatre shall only be located on a lot having a minimum radial separation distance of 153 metres from the lot line of every lot in a residential district, and from the lot line of any lot accommodating a public, separate or private school, any church, any public park or playground, or any other adult mini-theatre."

C.P.C. 1994 August 03

M-94-036

PLANNING & BUILDING DEPARTMENT REPORT  
TO THE CALGARY PLANNING COMMISSION

RE: AMENDMENT TO THE LAND USE BY-LAW 2P80  
AFFECTING ADULT MINI-THEATRES

BACKGROUND

On 1991 March 18 City Council amended the Land Use By-law by adding the use term "adult mini-theatre" to Section 4 Definitions in response to concerns raised in a motion by Alderman Scott with respect to unlicensed video viewing booths, generally known as "peep shows", being added to existing retail stores and video rental outlets. The Council approved amendment (By-law 2P91) established the use definition as follows and included it as a discretionary use only in the I-3 Heavy Industrial District.

Section 4. Definitions

(2.1) ADULT MINI-THEATRE means any premises or part thereof wherein motion pictures, video tapes, video discs, slide or similar electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are shown as a principal use or an accessory to some other business activity which is conducted on the premises, and wherein each separate viewing area has a capacity of less than 20 seats.

At the same Council meeting a motion was approved requesting the Administration to report on the impacts of By-law 2P91 on the I-3 District and to investigate alternative ways of dealing with adult mini-theatres. The resultant subsequent report was presented to the Committee on Operations and Development which recommended to Council that adult mini-theatres be deleted from the I-3 District thereby requiring that all applications to establish such a use be to a Direct Control District. That recommendation was approved by Council under By-law 21P91 on 1991 October 15.

RECENT DEVELOPMENTS

As a result of example situations in Edmonton where the equivalent to adult mini-theatres were being expanded from video reproductions only to also include live performances, Council approved a motion by Alderman Longstaff as follows:

WHEREAS live peep shows have appeared in Edmonton;

AND WHEREAS this use would cause significant concerns in Calgary communities;

NOW THEREFORE BE IT RESOLVED that Council request the Administration to review the Land Use By-law with respect to the control of live peep shows and report back to the 1994 September 12 Regular Meeting of Council on options for controlling this use.

INVESTIGATION

The recent expansion of the Edmonton equivalent to adult mini-theatres to include the option of private live performances by exotic dancers for patrons to view through a one-way mirror from a viewing booth, has raised the question as to how such an activity should be incorporated in terms of commercial uses within the Land Use By-law. The definition of adult mini-theatres attempted to cover all possible forms of video reproduction, but ignored live performances which normally catered to much larger audiences and were covered under the use term "entertainment establishment". Since those larger uses have different by-law limitations, locational criteria, associated uses, and by definition do not include adult mini-theatres, they are clearly not affected by the additional "product" being offered by adult mini-theatres.

In order to clarify that both live performances and video reproductions may be viewed within an adult mini-theatre, it would be appropriate to add the live performance option to the definition of adult mini-theatre while leaving the size and content criteria unchanged.

**CONCLUSION**

The potential exists for live performances within what would normally be called an adult mini-theatre format to be proposed under the use term "entertainment establishment" because live performances are not currently included within the definition of "adult mini-theatre." To eliminate that potential the definition of "adult mini-theatre" should be amended to include live performances as set out in Appendix 1.

**RECOMMENDATION**

The Planning & Building Department recommends:

- A. That the Calgary Planning Commission instruct the Administration to prepare a by-law amendment to By-law 2P80, the Land Use By-law, in accordance with Appendix 1 of this report and to carry out the necessary public notification processes to have that amendment considered by City Council at the public hearing to be held 1994 September 19.
- B. That the Planning Commission recommend that City Council APPROVE, by by-law, the proposed amendment to the definition of "adult mini-theatre" in accordance with Appendix 1 of this report.
- C. That City Council instruct the Administration to review and amend as required, the appropriate definitions in the License By-law to ensure consistency with the definition of "adult mini-theatre" as amended in the Land Use By-law.

JS/cac  
T-1/CPC  
94/07/26

**COMMENTS:**

The attached is submitted in confidence for a general discussion with Council as to their views on whether or not a modification of the Land Use Bylaw should be introduced to control these kinds of establishments. It is clear from the reading that although we do not appear to have a problem in Red Deer at the moment, should one come, without appropriate provisions being in the Land Use Bylaw, it is too late to do anything. The Land Use Bylaw must be amended to accommodate these kinds of activities, before the first one arrives. Although the attached material is lengthy, we can see no way of succinctly outlining the problem in one or two paragraphs. I would strongly advise Council to read the entire package and be prepared for a general philosophical discussion.

**"G. SURKAN"**  
Mayor

**"M.C. DAY"**  
City Manager

NO. 4

**CHAPMAN RIEBEEK**

Barristers, Solicitors &amp; Notaries

THOMAS H. CHAPMAN, Q.C.\*  
 NICK P. W. RIEBEEK\*  
 DONALD J. SIMPSON  
 T. KENT CHAPMAN\*  
 GARY W. WANLESS\*  
 LORNE E. GODDARD  
 GERI M. CHRISTMAN  
 ROBERT J. MILLAR  
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\* Denotes Professional Corporation  
 \*\*Denotes Student-at-Law

Your File:  
 Our File: GEN 07/95 THC  
 RED DEER OFFICE

July 12, 1995

City of Red Deer  
 P.O. Box 5008  
 Red Deer, Alberta  
 T4N 3T4

**ATTENTION: Mr. Kelly Kloss**  
**City Clerk**

Dear Sir:

**RE: Adult Mini Theatres**

Further to our telephone conversation, I enclose a copy of the case in the Province of Saskatchewan which dealt with the Land Use Bylaw of the City of Regina. You will note that the challenge to the bylaw was on the basis that the Council prohibited the use of the property in question as a "adult cabaret". Adult cabaret is defined in the zoning bylaw, but in no zones is it a permitted or discretionary use. The challenge to the bylaw was successful in Court of Queen's Bench Chambers, but on appeal to the Court of Appeal, the court in interpreting the provisions of the *Planning Act*, noted under section 73 of that Act, that Council had the authority to prohibit the use of land or buildings or prohibit certain forms of development.

The court then discussed the scheme of land use bylaws and the underlying principle that, where certain uses of lands or buildings are not permitted in the bylaw, they are in effect prohibited. The court then concluded that the effect of the *Planning Act* was to give the municipal council broad general powers to adopt the zoning bylaws and those powers expressly include the power to prohibit uses.

In the Alberta *Planning Act*, the relevant provisions are contained in section 69(1) - "a land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality".

Under section 69(2)(b), the Land Use Bylaw then is required to prescribe the permitted uses of land or buildings or the discretionary uses of land or buildings with respect to each district which it creates under the bylaw.

With respect to the amending bylaw which defines adult mini theatres, Council could certainly provide that the use "adult mini theatre" could be prescribed as a discretionary use in any particular district in the municipality. The current amendment simply defines adult mini theatres and removes that type of use from commercial recreational establishments, commercial entertainment facilities, private clubs or organizations, and personal services. In this way, adult mini theatres cannot be considered as a similar or ancillary use to any one of those categories.

Yours truly,



**THOMAS H. CHAPMAN, Q.C.**

THC/vjh

Enclosure



CITY MANAGER  
RECEIVED

FEB - 3 1994

FILE \_\_\_\_\_

**THE COURT OF APPEAL FOR SASKATCHEWAN**

---

THE CITY OF REGINA

APPELLANT

- and -

CRAIG CUNNINGHAM

RESPONDENT

CORAM:

The Honourable Mr. Justice Tallis  
The Honourable Mr. Justice Wakeling  
The Honourable Mr. Justice Lane

COUNSEL:

Mr. N. Robertson for the appellant  
Mr. C. Cunningham in person on his own behalf

DISPOSITION:

Appeal Heard:	13 January 1994
Appeal Allowed:	13 January 1994 (orally)
Reasons:	31 January 1994
On Appeal From:	Q.B. 779/93, J.C. of Regina
Appeal File:	1681
Reasons by:	The Honourable Mr. Justice Lane
In concurrence:	The Honourable Mr. Justice Tallis and The Honourable Mr. Justice Wakeling

**LANE J.A.**

At the conclusion of oral argument, this appeal was dismissed with reasons to follow. These are our reasons.

This appeal concerns the powers of a municipality to prohibit a use of land or buildings or of a development within a municipality and the remedy ordered against a municipality generally prohibiting a use.

**FACTS**

The respondent opened, in a Major Arterial Commercial Zone, an adult cabaret (strip club) without a development permit as provided by the City of Regina Zoning Bylaw. Charges were laid and subsequently dropped when the respondent closed down the business. He then re-opened his business again without applying for a development permit.

The respondent applied for an order declaring the Zoning Bylaw invalid as it prohibited the use of property as an "adult cabaret" within the City of Regina, and in addition, or in the alternative, requiring the City of Regina to amend the Zoning Bylaw to designate a zone or zones in which an adult cabaret is either a permitted or discretionary use.

Adult cabaret is defined in the Zoning Bylaw, but in no zones is it a permitted or discretionary use.

The chamber judge declined to hold the Zoning Bylaw invalid, but did hold "the City of Regina is obliged to designate an area or areas within which

---

the proposed business might be accommodated as a permitted or discretionary use."

The chamber judge also invited the respondent to apply for further unspecified relief if the City of Regina did not amend the Zoning Bylaw within 30 days. As a result, the City of Regina has moved to make certain amendments which were passed after the oral judgment was rendered. The City of Regina appeals on these grounds:

1. That the Learned Justice erred in his interpretation of clause 73(a) of The Planning and Development Act, 1983 S.S. 1983, c.P-13.1, in holding that there was no general power to prohibit a use of land or buildings or of a development within a municipality; and
2. That the Learned Justice erred in holding that the City of Regina 'is obliged to designate an area or areas within which [an Adult Cabaret] might be accommodated as a permitted or discretionary use', in that this amounts to an order in the nature of mandamus, which relief should not be ordered in the absence of a statutory duty owed to the applicant nor where the order would compel a legislative body to exercise its discretion to pass a bylaw.

The respondent contended the City of Regina has effectively prohibited anyone from using property within the municipality for the purposes of an adult cabaret and by so prohibiting the use of property, the municipality exceeded the authority delegated to it under *The Planning and Development Act, 1983*, S.S. 1983, C. P-13.1 (the "Act"). The respondent contends in the absence of an express power of prohibition there is no right to prohibit generally certain types of businesses.

The appellant contends as the land uses are not included under any zone, those land uses are prohibited in the City of Regina.

The relevant provisions of the *Act* are:

66 The purposes of a zoning bylaw are to control the use of land for providing for the amenity of the area within the council's jurisdiction and for the health, safety and general welfare of the inhabitants of the municipality.

67 A council may authorize the preparation and adoption of a zoning bylaw for all or a part of the municipality only in conjunction with the adoption of a development plan or basic planning statement.

...

72(1) A zoning bylaw may contain provisions:

- (a) prescribing or establishing districts of such number and area as the council considers appropriate;
- (b) providing for the appointment of a development officer for the municipality to administer the zoning bylaw;
- (c) providing for a system of development permits;
- (d) prescribing the procedures whereby applications for development permits shall be made and processed;
- (e) prescribing the types of development permitted in a district for which no permit is necessary;
- (f) prescribing the terms and conditions under which and the procedure pursuant to which a development permit may be issued, cancelled, suspended, reinstated or refused;
- (g) defining the period of time during which any type of development permit is effective;
- (h) providing for any other matter that may be necessary to regulate and control the issuance of development permits as the council considers necessary.

...

73 Without limiting the generality of section 66, a zoning bylaw may, with respect to any district established under clause 72(1)(a), unless the district is designated as a direct control district pursuant to section 77, contain provisions:

- (a) prescribing with respect to each district with or without development standards as authorized by this section:

...

(ii) if necessary, the prohibited uses of land or buildings or prohibited forms of development;

The purpose of zoning bylaws has been considered by this Court in *R. v. Pinehouse Plaza Pharmacy Ltd.* (1991), 89 Sask. R. 47 at 56-57:

The zoning bylaw, by establishing land use, is the instrument of implementation. The purpose of the development and land use plan is to provide the framework around which all planning and development action stems. The purpose is to assist in the physical, social and rational economic development of the City. The method of implementing this plan is by the use of zoning bylaws which provide for prohibited uses and creates the standards under which permitted uses are able to establish. The bylaw establishes a series of districts for either residential, commercial, industrial or institutional use. Within each zone, certain regulations exist controlling the use of each class of development.

...

The underlying objective of the impugned legislation is community planning and regulation of the human environment so that urban development occurs in an orderly fashion. The city seeks to justify as pressing and substantial the need for civic and community planning in general and cites s. 66 of the Planning and Development Act as the basis for the governmental objective. As noted above, zoning controls are the means to achieve the objectives set out in the Planning and Development Act. There can be no doubt of the need for such a policy in an urban industrial society. Regulation of land use to ensure the health, welfare and general well-being of the inhabitants is of primary importance.

The purposes of zoning and its operation is set out in "An Introduction to Zoning Enabling Legislation" (1962) Can Bar Rev. Vol. XL No. 1 at 2, Professor J.B. Milner:

The label 'zoning by-law' is now so widely used on this continent that it is doubtful whether anyone is either misled by the label or can claim not to know what the by-law will be about. A zoning by-law does two things, usually: it classifies and segregates into particular districts or areas or *zones* the various uses of land and buildings that are permitted by the by-law, all other uses being prohibited; and it regulates the

permitted uses in varying degrees depending upon attendant circumstances. [emphasis added]

In my view, this is precisely the scheme established in Saskatchewan. Municipalities in the interest of their inhabitants and after appropriate consideration, list the permitted uses for each zone with all other uses being prohibited. Indeed, it would be practically impossible to require municipalities to create a list of every possible use of land.

The combined operation of s. 66 and s. 73(a)(ii) give municipal council broad general powers to adopt a zoning bylaw, however, those powers expressly include the power to prohibit uses. In my view, s. 73(a)(ii) simply confirms the general scheme, that is, uses are prohibited unless permitted. Council having made such a decision, the Court ought to defer to council's determination of the public interest: see *City of Prince George v. Payne* (1977), 75 D.L.R. (3d) 1 at 4 (S.C.C.) *per* Dickson J. (as he then was):

Let me say, at the outset, that one might well be inclined to support Council's evidence distaste with sex businesses. But it is no part of a Court's task to determine the wisdom of Council's decision, assuming a power to deny the licence inhered in the Council. The Court's sole concern is whether the Council acted within the four corners of its jurisdiction. . . .

. . .

The Courts are loathe to interfere with decisions made in good faith by statutory bodies, the members of which are voted or appointed to office because others have confidence in their experience and integrity. But when such bodies err by acting in excess of their statutory powers, the Courts will control them.

Further, *Hobday v. Corman Park No. 344* (1988), 67 Sask. R. 56 at 59 and 61, *per* Barclay J.:

[14] The courts have in recent years shown an increasing disposition to avoid interference with the legislative functions of municipal councils except in cases where there has been a clear excess or abuse of statutory authority or a disregard of some statutory condition upon which the right to exercise such authority is based. See Rodgers, *The Law of Canadian Municipal Corporations* (2nd Ed.), Carswell, para. 190.2.

[15] What is in the public interest is for Council to decide and when there is no evidence of misconduct its action is not open to review by the court.

[16] In my opinion, a municipal council is a legislative body having a very limited and delegated jurisdiction. Within the limits of its delegated jurisdiction and subject to the terms of the delegation, its power is plenary and absolute and in no way subject to criticism or investigation by the courts.

The respondent's reliance on *Stoneham and Tewkesbury v. Sabliere C.D.R. Inc.* (unreported, Quebec Court of Appeal, 12 December 1989) is misplaced as the legislation governing that fact situation did not allow a general power to prohibit use.

The chamber judge made an order in the nature of *mandamus* requiring the City of Regina to designate an area or areas within which an adult cabaret might be accommodated as a permitted or discretionary use. This was, in effect, an order to an elected legislative body to pass specific legislation. In my view, the trial judge erred in issuing such an order. *Mandamus* will not be granted to compel the exercise of a discretion in a particular manner. It only lies to compel the exercise of an imperative duty (*Reg. ex rel Woolworth Co. and Slabick et al. v. Labour Relations Board* (1954), 13 W.W.R. (N.S.) 1 (C.A.), affirmed [1956] S.C.R. 182, at p. 16 wherein Gordon J.A. states:

It seems hardly necessary to say that in approaching this question it must be borne in mind that the applicant for the prerogative writ of *mandamus* must show a clear legal specific right to the relief asked. The duty must be imperative and not discretionary.

In this case there was no imperative duty as the act of amending the Zoning Bylaw is a discretionary act.

The appeal succeeds on both grounds. The appellant did not request costs and there will be no order as to costs.

## OFFICE OF THE CITY SOLICITOR

CITY OF REGINA  
 CITY HALL  
 P.O. BOX 1790  
 REGINA, SASKATCHEWAN  
 S4P-3C8

cc: Gary  
 FILE WITH  
 LEGAL OFFICE

\_\_\_\_\_

LESLIE SHAW, B.A., L.Th., LL.B.  
 City Solicitor  
 E. K. MORRISON, B.A., M.P.A., LL.B.  
 Assistant City Solicitor  
 RAYMOND G. TESSIER, B.A., LL.B.  
 JAMES R. McLELLAN, LL.B.  
 NEIL ROBERTSON, B.A., LL.B.  
 BARRY W. WINDSOR, B.Comm., LL.B.

TELEPHONE: (306) 777-7476  
 FAX: (306) 525-1801

File No: 1620 LIT

October 18, 1993

City Solicitor  
 City of Lloydminster  
 5011 - 49th Avenue  
 Lloydminster, Saskatchewan  
 S9V 0T8

Dear Sir:

Re: Cunningham v. City of Regina  
 "Club Burlesque"

---

Further to a recent telephone conversation with your Office, you will find enclosed a copy of the judgment issued by Justice Kyle of the Court of Queen's Bench with respect to an application by Craig Cunningham to operate a strip club in the City of Regina.

Yours truly,

LESLIE SHAW, CITY SOLICITOR

Per: 

E. K. Morrison

/ap  
 Encl.

G:\ettecunn.doc

Q.B.M.  
No. 779

A.D. 1993  
J.C. R.

---

IN THE QUEEN'S BENCH  
JUDICIAL CENTRE OF REGINA

IN THE MATTER OF *THE PLANNING AND DEVELOPMENT ACT*,  
R.S.S. 1978, C. P-13.1 AND IN THE MATTER OF CITY OF  
REGINA ZONING BYLAW NO. 9250

BETWEEN:

CRAIG CUNNINGHAM

APPLICANT

- and -

THE CITY OF REGINA

RESPONDENT

M.F. Mulatz

for the applicant

N. Robertson

for the respondent

---

JUDGMENT  
October 18, 1993

KYLE J.

---

At issue in this application is the validity of the current zoning bylaw of the City of Regina. It is questioned by Mr. Cunningham, the applicant, because it prevents him from operating an adult cabaret at any location in the City of Regina. He has operated what is popularly called a "strip club" in Regina in apparent contravention of the bylaw.

statutory bases upon which they have been decided, although I note a common tendency to negate any power of general prohibition without express statutory authority.

Several cases have been cited where the enabling legislation gave the power to regulate a type of business and where the city tried to prohibit it. It is settled law that the power to regulate presumes the existence of the business and that it therefore implies that such a business cannot be prohibited under that power.

The Supreme Court of Canada ruled in this way in *City of Prince George v. Payne* (1977), 75 D.L.R. (3d) 1. It went onto say, however, (Dickson J. p. 8) that:

Interdiction of particular types of business is carried out by zoning or other by-laws in pursuance of clear authority in the *Municipal Act*. Perusal of the Act makes it clear that when the Legislature intended to give power to restrict land use or to prevent or prohibit a particular type of business activity it did so in express words. . .

To determine the application of this principle to Saskatchewan we must turn to two statutory provisions: *The Planning and Development Act, 1983*, S.S. 1983, c. P-13.1, ss. 73(1)(a)(i) and (ii):

73(1) Without limiting the generality of section 66, a zoning bylaw may, with respect to any district established under clause 72(1)(a), unless the district is designated as a direct control district pursuant to section 77, contain provisions:

- 1) That the bylaw be given only one reading at any meeting of the council.
- 2) That notice of the intended prohibition be published at least two weeks prior to the scheduled third reading.
- 3) That the bylaw be effective only after the expiration of 90 days from (a) the third reading, (b) publication of a notice in the a newspaper.

It provides too for compensation of existing businesses which suffer loss as a consequence of the prohibition. Neither the preliminary determination nor the appropriate procedural steps required by this section have been undertaken in this case.

It is noted too that the bylaw, far from prohibiting an "adult cabaret", specifically contemplates such to be a business which would be affected by the bylaw, that is, one which would be subject to zoning restrictions and even to special restrictions within the permitted zone. Only by noting the absence of a zone in which the adult cabaret is allowed would one find it to be prohibited.

For the city to seek to prohibit this or any type of business simply by declining to allow it to be carried on in any area of the city is an apparent breach of the very limited power of prohibition given to the city by s. 131(1) of the Act. Section 73(1) of *The Planning and Development Act, 1983*, contemplates prohibitions but only in respect of "each district". It is not possible to found a general power of prohibition upon this section, especially in light of the provisions of s. 131 of the Act referred to above. ✓

# *Alcohol-Drug Education Association of Alberta*

4925 ROSS STREET, RED DEER, ALBERTA T4N 1X8

PH. (403) 346-8447

August 11, 1995



## A CITIZENS MOVEMENT FOR BETTER LIVING WOULD YOU WANT YOUR DAUGHTER TO BECOME A STRIPPER?

You have put a lot of love, care, hard work, and sometimes tears into raising that daughter of yours. Now that she has become a teenager, you proudly watch as you see her blossoming out into beautiful young womanhood. You share her dreams and high hopes for the future. You want her to have the very best in life, and you don't ever want to see her get hurt.

The thought of your daughter becoming a stripper may have never entered your mind, and probably never entered hers. If such a thing were to happen, it would bring your world crashing down around your head. All your dreams for her would be shattered. Your heart would be broken, and you would find yourself struggling with a reality you couldn't believe to be true.

As unbelievable as it seems, parents right here in Alberta face those devastating realities. Subtle forces are at work. Agents and operators are looking for attractive young girls to use in their business. They may approach them by asking if they would like to enter a wet-shirt, or bikini contest. The next step will be to offer them big money to take their clothes off and dance before a bar full of men.

It all reminds me of the contemptuous words of Russ Meyer, producer of pornographic films, when he said, "I have had the best of their lives. I catch them at the peak of their feminine beauty. I use them, then chuckle and walk away shaking my head."

The lap dancing issue has come to Red Deer. We believe it is just as devastating, or more so than stripping in the bars. You the mayor and council members have a responsibility to see that, if at all possible, the citizens of Red Deer are protected from yet another means of destroying the lives of young people, and breaking the hearts of their parents.

The Province of New Brunswick was taken to court for not allowing strip dancing in bars. They couldn't make a law against it, but did get a ruling from the Supreme Court of Canada that they could control entertainment in bars. That served the purpose just as well as a law against nude performances. There is often a way where there is a will.

Douglas H. Russell, president

**FILE**

**DATE: August 15, 1995**  
**TO: Parkland Community Planning Services**  
**FROM: Assistant City Clerk**  
**RE: LAND USE BYLAW AMENDMENT 2672/M-95**

---

At the Council meeting of August 14, 1995 a Public Hearing was held with regard to Land Use Bylaw Amendment 2672/M-95, following which said Bylaw received second and third reading, a copy of which is attached hereto.

Land Use Bylaw Amendment 2672/M-95 provides for changes to the Land Use Bylaw relative to:

- 1) Housing definitions and social care residences;
- 2) Adult mini-theatres; and
- 3) Outline plans.

I trust you will now proceed with the updating of the relative pages of the Land Use Bylaw for inclusion in the consolidated copy.

  
JEFF GRAVES  
Assistant City Clerk

JG/fm

attch.

cc. Director of Development Services  
Director of Community Services  
Director of Corporate Services  
City Assessor  
Land & Economic Development Manager  
Licensing & Inspections Manager



## THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

FILE No  
**FILE**

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

August 15, 1995

Douglas H. Russell, President  
Alcohol - Drug Education Association of Alberta  
4925 Ross Street  
Red Deer, Alberta  
T4N 1X8

Dear Mr. Russell:

RE: LAND USE BYLAW AMENDMENT 2672/M-95

At the City of Red Deer Council meeting held on August 14, 1995 a Public Hearing was held with regard to Land Use Bylaw Amendment 2672/M-95, following which second and third reading were given to said Bylaw.

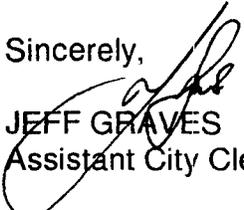
Land Use Bylaw Amendment 2672/M-95 provides for changes to the Land Use Bylaw relative to:

- 1) Housing definitions and social care residences;
- 2) Adult mini-theatres; and
- 3) Outline plans.

A copy of the Bylaw is attached hereto for your information.

Thank you for being in attendance at the Public Hearing and providing Council with your thoughts on this Bylaw. If you have any questions, or require additional information, please do not hesitate to contact the undersigned.

Sincerely,

  
JEFF GRAVES  
Assistant City Clerk

JG/fm  
attach.



*a delight  
to discover!*

NO. 1

PATH: gord\memos\ut-by-l.err  
MASTERFILE: 1230.001

DATE: August 2, 1995  
TO: City Clerk  
FROM: Public Works Manager  
RE: **UTILITY BYLAW 2960 - GARBAGE UTILITY  
\$5.00 MINIMUM CHARGE**

---

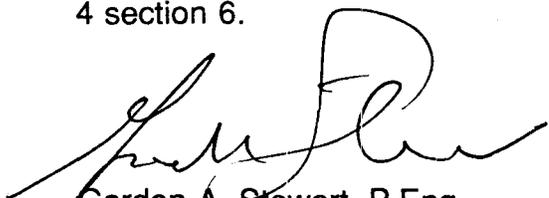
In June of 1992, Council approved an amendment to the disposal rates for the Landfill to implement a \$5.00 minimum disposal charge.

The reference to the \$5.00 charge has been inadvertently omitted from the latest Bylaw revision under item 4-6 on Schedule "D". This was a clerical error that crept in the last time the Bylaw was revised. We have recently become aware of this error and would like it corrected.

In 1992, when the minimum charge was instituted, the policy of supplying each residential customer with two free \$5.00 coupons was established. This policy seems to be working well and it is our intent to continue this.

**RECOMMENDATION**

That Council approve an amendment to the Bylaw to reintroduce the reference to the \$5.00 minimum charge to Schedule "D" of the Utility Bylaw by adding the wording - "In any event, a minimum charge of \$5.00 shall apply." - following the last sentence of item 4 section 6.



Gordon A. Stewart, P.Eng.  
Public Works Manager

BW/blm

c Director of Corporate Services  
Director of Development Services

COMMENTS:

We concur with the recommendation of the Public Works Manager.

"G. SURKAN"

Mayor

"A. WILCOCK"

Acting City Manager

DATE: May 9, 1995  
TO: City Clerk  
FROM: Solid Waste Superintendent  
RE: **UTILITY BYLAW 2960**

---

Attached is a copy of a 1992 revision for Schedule D, section 4, item 6 of the Utility Bylaw. This revision indicates the minimum \$5.00 charge. I can not find where this minimum charge is presently indicated in the bylaw.

Could you please review this.



Brian Watson, C.E.T.  
Solid Waste Superintendent

CB/blm

Att.

SCHEDULE "D" Continued

3. For a single family dwelling unit, a semi-detached residential unit, a single family 2960/F-92 dwelling unit with a basement dwelling unit situate therein, or a dwelling unit in a Effective multiple family building, the charge shall be \$5.58 per month per dwelling unit for one July 1/92 pick-up per week, plus a recycling charge of \$3.25 per month.

Where the tenants of a multi-family residential building do not receive individual 2960/F-92 utility bills, or the owner of the property refuses to allow the City to provide Effective service to the building, the party responsible for the utility payment for the building July 1/92 will be charged a monthly recycling charge of \$3.25 times the number of residential units in the building.

4. DISPOSAL GROUNDS RATES FOR ACCEPTANCE OF GARBAGE AND REFUSE

Description

Rate

2960/F-92 Effective June 1/92	1. Residents hauling residential refuse from their own residence	\$16.60 per metric tonne
	2. Private companies or commercial haulers with commercial or residential refuse	\$16.60 per metric tonne
	3. Liquid waste contained in a water tight box or tank	\$13.70 per metric tonne
	4. Demolition, concrete, asphalt and tree rubble	\$14.00 per metric tonne
	5. Special waste	\$35.00 per metric tonne
2960/F-92 Effective June 1, 1992	6. When fractional metric tonnes are delivered the rate charged for the same shall be determined by pro-rating the above rates per tonne in the same ratio as the weight of such refuse, waste or rubble delivered bears to a metric tonne. In any event, a minimum charge of \$5.00 shall apply.	
	7. Clean Fill	No Charge

NOTE: These rates shall be effective for utility bills mailed after February 20, 1992, except for Section 4 of Schedule "D" which shall be effective for disposal ground users on March 1, 1992.

NO. 12

FILE: gord\memos\ratechng.cc

**DATE:** February 9, 1993

**TO:** City Clerk

**FROM:** Public Works Manager

**RE: RATE CHANGES TO VARIOUS CITY SERVICES FROM 1993  
OPERATING BUDGET APPROVAL**

---

Council approval is respectfully requested for a change in rates to Bylaw 2960/A-92 Schedules A and D. It should be noted that one rate has decreased and some rates have not changed. Other charges must be increased to cover an increase in labour, equipment and material costs.

### **Schedule "A"**

The proposed changes, where applicable, are shown in bold print on the attached pages 1 to 3 and page 11 of the bylaw.

Treasury Services will be submitting increased rates to Council for the increase to water rates.

### Miscellaneous Rates

#### 1. New service connection

The proposed rates in this section increase an average of 3%. In most cases, the requested increase is due to increased labour and equipment costs. The increases for larger water and sanitary/storm services are pipe costs for material as supplied to The City of Red Deer. Current rates are indicated in brackets ( ), while proposed increases are indicated in bold.

#### 2. Additional fee for winter construction of service

An increase is not requested to the existing rate, provided that it would apply to a connection from mains in the lane and a new rate of \$900 be established for services connected to mains in a street.

We request separate rates because there is more distance between mains in the street than those in lanes. Excavations in streets involve a larger area and higher costs to maintain pavement over winter months.

**SCHEDULE "D" (continued)**

3. For a single family dwelling unit, a semi-detached residential unit, a single family dwelling unit with a basement dwelling unit situate therein, or an occupant of a dwelling unit in a multiple family building where the owner of agent does not pay charges directly to the City, the charge shall be \$6.19 per month per dwelling unit for one pickup per week, plus a recycling charge of \$3.25 per month.

4. DISPOSAL GROUNDS RATES FOR ACCEPTANCE OF GARBAGE AND REFUSE

<u>Description</u>	<u>Rate</u>
1. Residents hauling residential refuse from their own residences	Free
2. Private companies or commercial haulers with commercial or residential refuse	\$25.00 per metric tonne
3. Liquid waste contained in a water tight box or tank	\$25.00 per metric tonne
4. Demolition, concrete, asphalt and tree rubble	\$25.00 per metric tonne
5. Special Waste	\$45.00 per metric tonne
6. When fractional metric tonnes are delivered the rate charged for the same shall be determined by pro-rating the above rates per tonne in the same ratio as the weight of such refuse, waste or rubble delivered bears to a metric tonne.	
7. Clean Fill	No Charge

**NOTE:** These rates shall be effective March 1, 1993, except for Section 4 of Schedule "D" which shall be effective for disposal ground users on April 1, 1993.

**FILE**

**DATE: August 15, 1995**  
**TO: Public Works Manager**  
**FROM: Assistant City Clerk**  
**RE: UTILITY BYLAW AMENDMENT 2960/B-95 - GARBAGE UTILITY**  
**\$5.00 MINIMUM CHARGE**

---

At the Council meeting of August 14, 1995, consideration was given to your report dated August 2, 1995 concerning the above topic, and at which meeting three readings were given to the Utility Bylaw Amendment 2960/B-95, a copy of which is attached hereto.

The Utility Bylaw Amendment 2960/B-95 reintroduces the reference to the \$5.00 minimum charge to Schedule D of the Utility Bylaw.

The decision of Council in this instance is submitted for your information. I trust you will now be putting into effect the \$5.00 minimum charge, effective August 14, 1995 as provided for in this Bylaw.

  
JEFF GRAVES  
Assistant City Clerk

JG/fm

attch.

cc. Director of Corporate Services  
Director of Development Services

NO. 2

**DATE: August 8, 1995**  
**TO: City Council**  
**FROM: Assistant City Clerk**  
**RE: ALARM BYLAW AMENDMENT 3017/A-95**

---

---

At the Council meeting of May 23, 1995 Council passed the following resolution:

"RESOLVED that Council of The City of Red Deer, having considered the report from the City Clerk, dated May 15, 1995 re: Review of Committees, hereby agrees as follows:

1. That the drafting of a Committees Bylaw be approved;
2. That the Committees Bylaw would come into force on the date of the 1995 Organizational Meeting of Council;
3. That the ad hoc committee provisions, as outlined in the above noted report, be included in the Committees Bylaw;
4. That the documented entitled 'Review of Committees' dated May 15, 1995 be approved subject to the following changes:
  - a) That the Aldermanic representative remain on the Normandeau Cultural & Natural History Society, the Red Deer Child Care Society, the Red Deer Visitor & Convention Bureau Board, and the River Bend Golf & Recreation Society Board;
  - b) That the Committees Bylaw provide for the Mayor to appoint alternate Aldermanic representatives as required to any committees to which Council appoints Aldermen.

.../2

City Council  
August 8, 1995  
Page 2

5. That all Council Committee meetings be held in public, with the exception of MPC and DAB, unless section 217(2) of the Municipal Government Act applies;
6. That MPC and DAB be authorized to hold their deliberations open to the public, and make their decisions closed to the public;
7. That the Committees Bylaw be presented back to Council in September of 1995 for final approval;

and as presented to Council May 23, 1995."

The Review of Committees Report recommended the disbandment of the Alarm Bylaw Education Appeal Board as this Board has not received any appeals since its inception in November 1992.

I am presenting an amendment to the Alarm Bylaw which would disband the current Alarm Bylaw Education Appeal Board and provide Alarm holders with the right to appeal to the Policing Committee regarding alarms.

**RECOMMENDATION:**

That Bylaw 3017/A-95 be given three readings.

  
JEFF GRAVES  
Assistant City Clerk

JG/fm

COMMENTS:

We concur with the recommendation of the Assistant City Clerk.

"G. SURKAN"  
Mayor

"A. WILCOCK"  
Acting City Manager

**REVIEW OF COMMITTEES  
MAY 15, 1995**

COMMITTEE/ (ESTABLISHED BY)	NECESSARY?	AMALGAMATE	# OF ALDERMEN CURRENT	ALDERMANIC REPRESENTATION REQUIRED	SENIOR MANGEMENT TEAM RECOMMENDATION	Include in Committee Bylaw
--------------------------------	------------	------------	-----------------------------	--	--	----------------------------------

**STANDING COMMITTEES:**

Alarm Bylaw Educational Appeal Board. (BYLAW)	No. Came into effect Nov. 1992. No appeals filed. Recommend any future appeals be to Council through the Policing Committee.	No.	1	No.	Disband	No
Archives Committee (BYLAW)	Yes	No	0	No	Retain	Yes
Committee of Council/School Boards (COUNCIL RES. 89/10/02)	Not as a standing committee as its purpose is to meet with the School Boards from time to time on mutual issues. If the formation of this group was to be formalized, it would be done by agreement and not bylaw.	No.	2 + 2 ALT. & Mayor	No. Most issues are administrative in nature. Council could appoint an elected rep. if a political issue were to arise.	Disband	No
Assessment Review Board (STATUTE/BYLAW)	Yes - required by Provincial Act	No.	1	Council has directed that 1 alderman be appointed.	Retain	Yes



# THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

FILE No

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

August 15, 1995

Ron Taylor  
Protec Security Systems  
84 Dunham Close  
Red Deer, Alberta  
T4R 2J2

Dear Mr. Taylor:

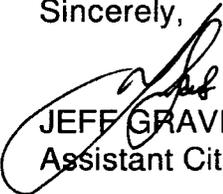
RE: ALARM BYLAW AMENDMENT 3017/A-95

At the City of Red Deer Council meeting held on August 14, 1995, Council gave three readings to the Alarm Bylaw Amendment 3017/A-95, a copy of which is attached hereto.

The Alarm Bylaw Amendment 3017/A-95 provides for the disbandment of the current Alarm Bylaw Educational Appeal Board and provides alarm holders with the right to appeal to the Policing Committee regard alarm issues. This Bylaw amendment was a result of Council's consideration of a Review of Committees Report prepared by the City Clerk, dated May 15, 1995, and a Council resolution passed on May 23, 1995 accepting the recommendation as outlined in the Review of Committees Report that the responsibility for reviewing Alarm Appeals be assigned to the Policing Committee.

The decision of Council in this instance is submitted for your information. Your interest in serving on the Alarm Bylaw Educational Appeal Board has been appreciated by City Council. We sincerely hope that you will continue to seek out future involvement with Council Committees.

Sincerely,

  
JEFF GRAVES  
Assistant City Clerk

JG/fm

attch.

cc. S. Ladwig, Secretary - Alarm Bylaw Educational Appeal Board



*a delight  
to discover!*



## THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

**FILE** No.

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

August 15, 1995

Tracy McClelland  
5805 - 45 Avenue  
Red Deer, Alberta  
T4N 3M1

Dear Ms. McClelland:

RE: ALARM BYLAW AMENDMENT 3017/A-95

At the City of Red Deer Council meeting held on August 14, 1995, Council gave three readings to the Alarm Bylaw Amendment 3017/A-95, a copy of which is attached hereto.

The Alarm Bylaw Amendment 3017/A-95 provides for the disbandment of the current Alarm Bylaw Educational Appeal Board and provides alarm holders with the right to appeal to the Policing Committee regard alarm issues. This Bylaw amendment was a result of Council's consideration of a Review of Committees Report prepared by the City Clerk, dated May 15, 1995, and a Council resolution passed on May 23, 1995 accepting the recommendation as outlined in the Review of Committees Report that the responsibility for reviewing Alarm Appeals be assigned to the Policing Committee.

The decision of Council in this instance is submitted for your information. Your interest in serving on the Alarm Bylaw Educational Appeal Board has been appreciated by City Council. We sincerely hope that you will continue to seek out future involvement with Council Committees.

Sincerely,

  
JEFF GRAVES  
Assistant City Clerk

JG/fm

attch.

cc. S. Ladwig, Secretary - Alarm Bylaw Educational Appeal Board



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to discover!*



# THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

FILE No.  
**FILE**

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

August 15, 1995

Joyce Scott  
21 Rowell Close  
Red Deer, Alberta  
T4P 3P4

Dear Ms. Scott:

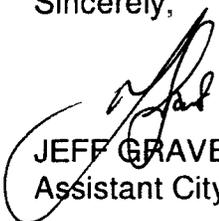
RE: ALARM BYLAW AMENDMENT 3017/A-95

At the City of Red Deer Council meeting held on August 14, 1995, Council gave three readings to the Alarm Bylaw Amendment 3017/A-95, a copy of which is attached hereto.

The Alarm Bylaw Amendment 3017/A-95 provides for the disbandment of the current Alarm Bylaw Educational Appeal Board and provides alarm holders with the right to appeal to the Policing Committee regard alarm issues. This Bylaw amendment was a result of Council's consideration of a Review of Committees Report prepared by the City Clerk, dated May 15, 1995, and a Council resolution passed on May 23, 1995 accepting the recommendation as outlined in the Review of Committees Report that the responsibility for reviewing Alarm Appeals be assigned to the Policing Committee.

The decision of Council in this instance is submitted for your information. Your interest in serving on the Alarm Bylaw Educational Appeal Board has been appreciated by City Council. We sincerely hope that you will continue to seek out future involvement with Council Committees.

Sincerely,

  
JEFF GRAVES  
Assistant City Clerk

JG/fm

attch.

cc. S. Ladwig, Secretary - Alarm Bylaw Educational Appeal Board



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to discover!*



# THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

FILE No  
**FILE**

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

August 15, 1995

Councillor D. Lawrence  
39 Armstrong Close  
Red Deer, Alberta  
T4R 1C6

Dear Councillor Lawrence:

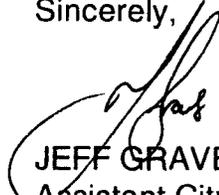
RE: ALARM BYLAW AMENDMENT 3017/A-95

At the City of Red Deer Council meeting held on August 14, 1995, Council gave three readings to the Alarm Bylaw Amendment 3017/A-95, a copy of which is attached hereto.

The Alarm Bylaw Amendment 3017/A-95 provides for the disbandment of the current Alarm Bylaw Educational Appeal Board and provides alarm holders with the right to appeal to the Policing Committee regard alarm issues. This Bylaw amendment was a result of Council's consideration of a Review of Committees Report prepared by the City Clerk, dated May 15, 1995, and a Council resolution passed on May 23, 1995 accepting the recommendation as outlined in the Review of Committees Report that the responsibility for reviewing Alarm Appeals be assigned to the Policing Committee.

The decision of Council in this instance is submitted for your information. Your interest in serving on the Alarm Bylaw Educational Appeal Board has been appreciated by City Council. We sincerely hope that you will continue to seek out future involvement with Council Committees.

Sincerely,

  
JEFF GRAVES  
Assistant City Clerk

JG/fm

attch.

cc. S. Ladwig, Secretary - Alarm Bylaw Educational Appeal Board



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to discover!*



## THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

# FILE

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

August 15, 1995

Collen Palichuk, Chairperson  
Policing Committee  
7103 - 59 Avenue  
Red Deer, Alberta  
T4P 1B8

Dear Ms. Palichuk:

RE: THE ALARM BYLAW AMENDMENT 3017/A-95 - ALARM BYLAW EDUCATIONAL  
APPEAL BOARD DISBANDMENT

At the City of Red Deer Council meeting held on August 14, 1995, Council gave three readings to the Alarm Bylaw Amendment 3017/A-95, a copy of which is attached hereto.

The Alarm Bylaw Amendment 3017/A-95 provides for alarm holders to appeal to the Policing Committee pending revocation of their alarm permit or license. This change in committee responsibility is a result of Council's resolution of May 23, 1995 which approved the Review of Committees Report recommending disbandment of the Alarm Bylaw Educational Appeal Board, as no appeals had been filed with the said Board since November, 1992.

As a result of this change, the Bylaw respecting the Policing Committee/Taxi Commission will be amended as part of the overall redesign of the Committees Bylaw. The Committees Bylaw is currently being developed and will be presented for Council's consideration in September, 1995.

Council further recommended that the Policing Committee, in considering this new responsibility, seek out representatives from the Alarm Industry as resource persons when dealing with appeals of the Alarm Bylaw. The current Alarm Representative, on the Alarm Bylaw Educational Appeal Board, is Mr. Ron Taylor of Protec Security Systems.

.../2



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to discover!*

Colleen Palichuk  
August 15, 1995  
Page 2

I trust you will now proceed in accordance with the above Bylaw Amendment.

Sincerely,

JEFF GRAVES  
Assistant City Clerk

JG/fm  
attch.

cc. Mr. Ron Taylor, Protec Security Systems  
City Manager  
Inspector Sutton, R.C.M.P.  
Staff Sgt. Derouin, R.C.M.P.  
S. Ladwig, Council & Committee Secretary  
C. Adams, Council & Committee Secretary

NO. 3

DATE: August 8, 1995  
TO: Kelly Kloss  
City Clerk  
FROM: Ken Webster  
Fire Prevention  
RE: Public Safety & Fire Permit Bylaw 2962/88

---

It is requested that consideration be given to amending the above named bylaw by adding the following:

7(f) Any person burning under the provisions of Section 5 and/or Section 6, shall at all times keep a competent person in charge of the fire and shall ensure the fire is completely extinguished before leaving the fire unattended.

We receive complaints about unattended fire during Spring and Fall open burning season and also during the Summer months about unattended fires in outdoor fire pits.

Section 4(2) places the onus upon a person to whom a permit has been issued under Section 4(1) but there is presently no such requirement for a person burning under Sections 5 & 6.

  
Ken Webster  
Fire Inspector

KW/ks

COMMENTS:

We recommend Council give the proposed Bylaw Amendment 3 readings.

"G. SURKAN"  
Mayor

"A. WILCOCK"  
Acting City Manager

**FILE**

**DATE: August 15, 1995**  
**TO: Fire Inspection/Fire Prevention**  
**FROM: Assistant City Clerk**  
**RE: PUBLIC SAFETY & FIRE PERMIT BYLAW AMENDMENT 2962/A-95**

---

At the Council meeting of August 14, 1995, Council gave three readings to the Public Safety & Fire Permit Bylaw Amendment 2962/A-95, a copy of which is attached hereto.

The Public Safety & Fire Permit Bylaw Amendment 2962/A-95 requires a competent person to be in charge of a fire to ensure that it is correctly extinguished before leaving the fire unattended, as provided for under Sections 5 and/or 6 of the said Bylaw.

The decision of Council in this instance is submitted for your information.



**JEFF GRAVES**  
Assistant City Clerk

JG/fm

attch.

cc. Director of Development Services

NO. 4

CS-4.794

**DATE:** August 3, 1995

**TO:** KELLY KLOSS  
City Clerk

**FROM:** LOWELL R. HODGSON  
Community Services Director

**RE:** RED DEER LIONS SPEED SKATING CLUB: LEASE REQUEST  
FOR ARENA - GOOD FRIDAY, APRIL 5, 1996

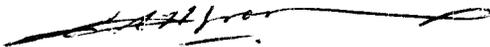
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As our reputation grows as an ideal host for special events, we are going to receive even more requests such as this one. Our current policy is to close facilities on Good Friday and, thus, the need for this request for special dispensation in order to host this national event. This past Christmas, we had arenas open in order to accommodate practices prior to the World Junior Hockey Championships.

I support the current policy of closing our facilities on these special days. We close them in recognition of the significance of the date, in order to give our staff time off as others enjoy, and to save money, as we otherwise must pay statutory holiday rates. In very special circumstances, however, I feel we must show some flexibility with this policy. This is one of those circumstances, as skaters from across Canada and the United States come to our city to compete and to take advantage of the long weekend for this meet.

#### RECOMMENDATION

That Council of The City of Red Deer approve the request of the Red Deer Lions Speed Skating Club to lease the Red Deer Arena on Good Friday, April 5, 1996, and as recommended by the Recreation, Parks & Culture Board, with the understanding that the current Sunday and Holiday Policy be maintained for regular routine bookings.



LOWELL R. HODGSON

:dmg

c Don Batchelor, Recreation, Parks & Culture Manager

RPC - 5.616

**DATE:** August 1, 1995

**TO:** KELLY KLOSS  
City Clerk

**FROM:** MONICA BAST, Chair  
Recreation, Parks & Culture Board

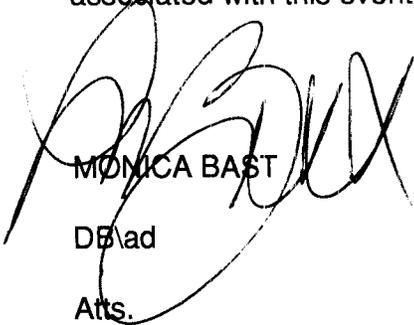
**RE:** RED DEER LIONS SPEED SKATING CLUB  
LEASE REQUEST FOR ARENA ON GOOD FRIDAY, April 5, 1996

---

Based on the request of the Red Deer Lions Speed Skating Club and the attached report from the Recreation, Parks & Culture Department, the Board passed the following resolution at their meeting of July 26, 1995:

"That the Recreation, Parks & Culture Board recommend to Council of The City of Red Deer that the Red Deer Arena be open for the Red Deer Lions Speed Skating Club booking on Good Friday, April 5, 1996."

In passing this resolution, the Board is pleased that yet another national/international event is coming to our city and using the sport recreation facilities. The Red Deer Arena will have been renovated by this date, and can accommodate the many athletes, officials and spectators associated with this event.



MONICA BAST

DB/ad

Atts.

- c. Lowell R. Hodgson, Community Services Director  
Harold Jeske, Recreation Facilities Superintendent  
Dr. R. Carter, Red Deer Lions Speed Skating Club

**FILE NO.** RPC-42799  
**DATE:** June 29, 1995  
**TO:** RECREATION, PARKS & CULTURE BOARD  
**FROM:** Harold Jeske  
Facilities Superintendent  
**SUBJECT: RED DEER LIONS SPEED SKATING CLUB'S REQUEST TO LEASE THE  
RED DEER ARENA ON GOOD FRIDAY, APRIL 5, 1996**

---

The letter from Mr. Bob Carter is asking for special permission to use the Red Deer Arena on "Good Friday", April 5, 1996 to host the North American Short Track Championships, which are scheduled in this same facility from Tuesday, April 2, 1996 to Sunday, April 7, 1996 inclusive. On this day, they have the Red Deer Arena booked from 12:00 noon to 10:00 p.m.

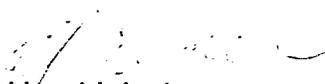
According to our Sunday and Holiday Policy Reference #2.1.9 (copy attached), all Recreation and Culture facilities will be closed on Good Friday, and exceptions to this policy require approval of the Board and City Council.

The North American Short Track Championships is a significant meet that involves a large number of competitors from Canada and the United States. It is a major booking for us and represents a few thousand dollars of revenue. To postpone this Championships meet on the first day of the competition would be very disruptive for the athletes who have been training on the previous two days, and would likely jeopardize the possibility of the meet being held in our community.

Based on the above and the concerns expressed by Mr. Bob Carter, I would recommend that we make an exception to allow the Red Deer Arena to open on Good Friday to accommodate this booking.

**RECOMMENDATION:**

"that the Recreation, Parks & Culture Board recommend to Council that the Red Deer Arena be open for the Red Deer Lions Speed Skating Club booking on Good Friday, April 5, 1996."

  
Harold Jeske

/ns

Attachment

Policy Section

Page:

Facilities General

Policy Subject:

Policy Reference: 2.1.9

Sunday and Holiday Policy

Lead Role:

Recreation &amp; Culture Manager

Recreation &amp; Culture Facilities Superintendent

Purpose:

To establish the hours of facility operations on Sundays and holidays.

Policy Statement:

The operating hours of the Recreation and Culture facilities are regulated in accordance with this document. It is the responsibility of the Facilities Superintendent to insure this policy is correctly administered.

Cross Reference:

Council Policy Reference 906

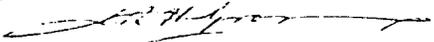
Remarks:

This document is to be distributed to all facility operators, to the Facility Bookings Coordinator and to the Facility Operations Supervisor.

Date of Approval:

Effective Date:

Revision/Review


 March 2, 1981

Annually in August

CITY OF RED DEER RECREATION & CULTURE DEPARTMENTSUNDAY AND HOLIDAY POLICY

Approved by Council:

March 2, 1981

Revised:

August 31, 1990

PURPOSE

The purpose of this policy is to:

1. State the position of the Recreation, Parks and Culture Board (herein called "the Board") in regard to program sponsorship on such days.
2. Establish the hours of facility operation for Sundays and holidays.
3. Regulate holiday operating costs.

POLICY

- 1.2. The Board does not sanction or endorse youth group activity prior to 12:00 noon on Sunday but will accept bookings for use of recreation and culture facilities from community organizations who wish to use this time for their programs.
2. The Recreation & Culture Department will not generally sponsor Sunday activities other than afternoon public skating and swimming, however, the Board has the authority to authorize activity prior to 12:00 noon and the Recreation <sup>& Culture</sup> Manager has the authority to authorize activity after 12:00 noon if circumstances warrant.
3. Recreation & Culture Department facilities operated by private enterprise under a formal agreement are not governed by this policy and the hours of operation are as stipulated in the agreement or as approved from time to time by the Board and City Council. These facilities include Bower Ponds Pavilion, Heritage Ranch Visitor's and Equestrian Centre and the Lion's Trailer Park and Campground.
4. Recreation & Culture Department sponsored special events will be discouraged on Sunday.
5. All recreation and culture facilities will be closed on Good Friday.
6. All recreation and culture facilities will remain closed until 12:00 noon on Remembrance Day.

7. All recreation and culture facilities will be closed at 6:00 p.m. on Christmas Eve and remain closed Christmas Day.
8. All recreation and culture facilities will be closed at 6:00 p.m. New Year's Eve and subject to the provisions in Clause 10, the major facilities may be open on New Year's Day.
9. The community rink shelters will be closed on Boxing Day and New Year's Day.
10. Bookings for special events will be accepted for any recreation and culture facilities on all holidays except Christmas Day, Good Friday, and Armistice Day morning, however, there will be a premium rental charge applied, sufficient to cover all additional staff costs in excess of the normal rate.
11. The appropriate facilities will be open for public activity such as: skating and swimming on holidays, excluding New Year's Day and excluding the holidays stated in Clause 10.

Annual Review: August

June 12, 1995

Mr Harold Jeske  
Red Deer Recreation Dept

Dear Harold,

As I am sure you are aware, Shirley from booking at the Rec Dept has indicated to me that Good Friday falls on Friday, April 5, 1996 and that the City shuts down the Arena on this date.

As you know this is the first day of competition of our proposed North American Championship. As I am sure you can understand it would be very difficult for our club if we were unable to use the Arena on this date. Shirley has suggested to me that accommodation can be achieved in some instances by appealing to City Council.

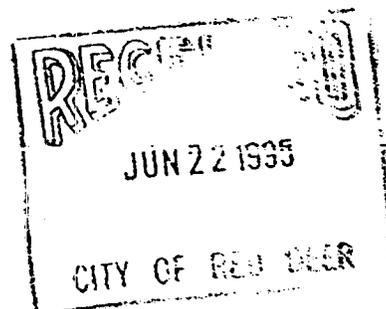
Our club feels obliged to proceed in this manner and we are hoping you may be able to help us in this regard.

Please let me know if you require any more information in this regard or if you or council will require a more formal application. Thanks.

Yours sincerely,

*RBC*

R.B. Carter, M.D., F.R.C.S.(C)  
RBC/dac



COMMENTS:

We concur with the recommendation of the Community Services Director.

For Council's information, the Recreation, Parks and Culture Department Fees and Charges report allows for a special Statutory Holiday rate.

"G. SURKAN"  
Mayor

"A. WILCOCK"  
Acting City Manager

**FILE**

**DATE: August 15, 1995**

**TO: Director of Community Services**

**FROM: Assistant City Clerk**

**RE: RED DEER LIONS SPEED SKATING CLUB: LEASE REQUEST FOR  
ARENA - GOOD FRIDAY, APRIL 5, 1996**

---

At the Council meeting held on August 14, 1995, consideration was given to your report dated August 3, 1995 concerning the above topic, and at which meeting the following resolution was passed:

"RESOLVED that Council of The City of Red Deer, having considered the report from the Director of Community Services dated August 3, 1995, re: Red Deer Lions Speed Skating Club: Lease Request for the Arena - Good Friday, April 5, 1996, hereby approve the request from the Red Deer Lions Speed Skating Club to lease the Red Deer Arena on Good Friday, April 5, 1996, and further agree that the current Sunday and Holiday policy for Recreation, Parks and Culture Department be maintained for regular routine bookings, and as presented to Council August 14, 1995."

The decision of Council in this instance is submitted for your information. I trust you will be notifying directly, the Red Deer Lions Speed Skating Club with regards to Council's decision.



**JEFF GRAVES**  
Assistant City Clerk

JG/fm

cc. Monica Bast, Recreation, Parks & Culture Board  
Recreation, Parks & Culture Manager  
Facilities Superintendent

Deputy Prime Minister and  
Minister of the Environment



Vice-première ministre et  
Ministre de l'Environnement

NO. 1

Ottawa, Canada K1A 0H3

JUL 27 1995

Kelly Kloss  
City Clerk  
The City of Red Deer  
P.O. Box 5008  
Red Deer, Alberta  
T4N 3T4

Dear Kelly Kloss:

Thank you for your letter of April 11, regarding the National Packaging Protocol. Please excuse the delay in my response.

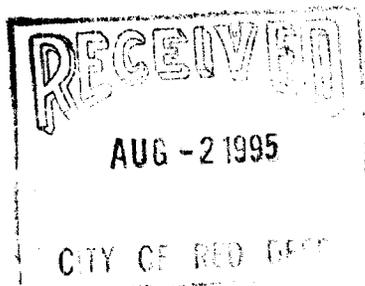
Some difficult decisions had to be taken as a result of the recent Program Review. One of them related to reducing the Department's role in the National Task Force on Packaging.

I have received strong appeals from many municipalities and from industry for Environment Canada to maintain leadership of the Task Force. Upon reflecting on these appeals and re-examining the important role my department has played in forwarding packaging issues, I have reinstated Environment Canada as the chair and secretariat of the Task Force. The Department will now be concentrating its efforts on achieving the next Protocol milestone, a 35-per-cent reduction in packaging waste sent for disposal over the 1988 baseline.

Environment Canada is proud of the contribution it has made in advancing waste reduction in Canada, particularly in the area of packaging. Your recognition of these efforts and your continued partnership in implementing the Protocol are greatly appreciated.

Yours sincerely,

Sheila Copps





## THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

April 11, 1995

The Honourable Sheila Copps, P.C., M.P.  
Minister of the Environment  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Minister Copps:

**RE: NATIONAL PACKAGING PROTOCOL**

At the City of Red Deer's Council Meeting held Monday, April 10, 1995, consideration was given to Environment Canada's decision to terminate its support for the National Packaging Protocol.

The NAPP program appears to have been effective in allowing industry to meet their voluntary waste reduction goal of 20% waste reduction. It is important that industry also meet its subsequent targets of 35% reduction by 1996 and 50% by the Year 2000.

Excess packaging is currently an issue of concern to many Red Deer residents. The need to reduce packaging is frequently mentioned by members of the public at various waste management forums. While it is important to reduce packaging as a society, it should be done primarily at the expense (or cost benefit) of the consumer. Therefore it is beneficial for the Government to have as little involvement as possible while still ensuring that the objectives are achieved.

For the above reasons, The City of Red Deer, by way of the following resolution passed at its meeting of April 10, 1995, is urging the Minister of Environment to maintain federal leadership in this area:

"RESOLVED that Council of The City of Red Deer, having considered report from the Environmental Advisory Board dated April 3, 1995, re: FCM - National Packaging Protocol, hereby agrees that The City of Red Deer write to the Minister of the Environment outlining The City's desire to see Environment Canada continue to provide support for the NAPP Program, to the extent necessary to ensure that the established industry objectives for packaging waste reductions are met, and as presented to Council April 10, 1995."

... / 2



RED DEER

*a delight  
to discover!*

The Honourable Sheila Copps, P.C., M.P.

April 11, 1995

Page 2

Thank you for your attention to this matter and your efforts in regards to waste reduction.

Sincerely,



KELLY KLOSS

City Clerk

KK/clr

cc: Director of Development Services  
Public Works Manager  
Environmental Advisory Board  
F.C.M.

COMMENTS:

The attached is submitted for Council's information.

"G. SURKAN"  
Mayor

"A. WILCOCK"  
Acting City Manager

C O R R E S P O N D E N C E

NO. 1

RPC - 5.389

**DATE: April 3, 1995**

**TO: KELLY KLOSS  
City Clerk**

**FROM: SANDI KOOP, Chair  
Environmental Advisory Board**

**RE: FCM - NATIONAL PACKAGING PROTOCOL**

---

Based on the attached report from the Public Works Manager re: FCM - National Packaging Protocol, the Environmental Advisory Board passed the following resolution at their regular meeting of Tuesday, March 28, 1995:

"That the Environmental Advisory Board recommend to City Council that the City of Red Deer write to the Minister of the Environment outlining the City's desire to see Environment Canada continue to provide support for the NAPP program to the extent necessary to ensure that the established industry objectives for packaging waste reduction are met."

  
SANDI KOOP

:ad

Att.

c. Gord Stewart, Public Works Manager

DATE: March 20, 1995  
TO: Environmental Advisory Board  
FROM: Public Works Manager  
**RE: FCM - NATIONAL PACKAGING PROTOCOL**

---

As outlined in the attached letter, Environment Canada will be discontinuing their support for the National Packaging Protocol (NAPP) due to changing priorities. The Federation of Canadian Municipalities (FCM) is urging the City of Red Deer to write to the Minister of the Environment to maintain federal leadership in this area.

Although the City of Red Deer is responsible for the recycling and disposal of packaging waste, the City has no control over the types and quantities of packaging produced. The 21 percent reduction in packaging which has already been achieved through NAPP has a direct benefit to the City.

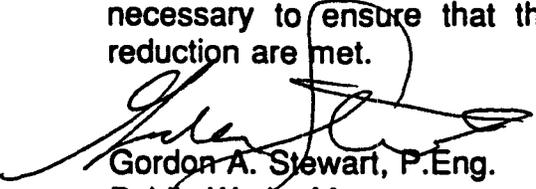
The NAPP program appears to have been effective in allowing industry to meet their voluntary waste reduction goal of 20 per cent waste reduction. It is important that industry also meet its subsequent targets of 35 percent reduction by 1996 and 50 percent by the year 2000.

Excess packaging is clearly an issue of concern to many Red Deer residents. The need to reduce packaging is frequently mentioned by members of the public at various waste management forums.

While it is important to continue to reduce packaging as a society, it should be done primarily at the expense (or cost benefit) of the consumer. Therefore, it is beneficial for government to have as little involvement as possible while still ensuring that the objectives are achieved.

Recommendation:

That the Environmental Advisory Board recommend to City Council that the City of Red Deer write to the Minister of the Environment outlining the City's desire to see Environment Canada continue to provide support for the NAPP program to the extent necessary to ensure that the established industry objectives for packaging waste reduction are met.



Gordon A. Stewart, P.Eng.  
Public Works Manager  
mks/blm

c. Director of Development Services



Federation of Canadian Municipalities  
Fédération canadienne des municipalités

March 1, 1995

Her Worship Mayor Gail Surkan and Members of Council  
City of Red Deer  
P.O. Box 5008  
Red Deer, Alberta  
T4N 3T4

Mayor D. Laurence Mawhinney  
Lunenburg, Nova Scotia  
President  
Président

Mayor John Les  
Chilliwack, British Columbia  
First Vice President  
Premier vice-président

Councillor Bryon Wilfert  
Richmond Hill, Ontario  
Second Vice President  
Deuxième vice-président

Maire suppléant Claude Cantin  
Québec (Québec)  
Troisième vice-président  
Third Vice President

Alderman Ron Hayter  
Edmonton, Alberta  
Past President  
Président sortant

James W. Knight  
Executive Director  
Directeur général

Dear Mayor Surkan and Members of Council:

**Termination of Support**  
**for the National Packaging Protocol (NAPP)**

Environment Canada recently advised FCM that as a result of changed priorities, support for the National Packaging Protocol (NAPP) will be discontinued by Environment Canada. I am writing to ask you to urge the Minister of the Environment to maintain federal leadership in this area.

In 1989, FCM was successful in raising the profile of the landfill crisis in Canada, and was a catalyst in causing the federal government to set national targets for packaging waste reduction. The resulting National Packaging Protocol was endorsed by all Provinces/Territories and the federal government. Policies and targets for voluntary measures to reduce packaging waste were agreed upon. FCM has been a key player in the implementation effort from the beginning.

Through NAPP, we have achieved a 21% reduction in packaging waste since 1990. Industry has surpassed its first target of 20%. The Protocol states that should subsequent targets (35% by 1996 and 50% by 2000) not be met through current voluntary measures, governments will regulate the packaging industry.

.../2



A concerted effort is required to reduce the tremendous cost of solid waste disposal borne by Canada's municipal governments. FCM surveys confirm that waste reduction is a critical issue with our members. Because packaged products are shipped across Canada, without Federal leadership and national standards, other jurisdictions acting alone will achieve little.

By sending a letter and a Council resolution to Minister Copps and your Member of Parliament, you will help Federal leaders understand the importance of packaging waste reduction.

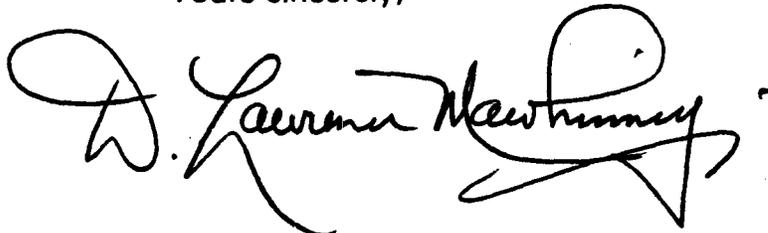
Attached is a model resolution for your Council's approval. I ask that you forward the resolution with an appropriate covering letter to Minister Copps. Please fax and mail your letter or resolution to Minister Copps at (613) 953-3457, and copy FCM at (613) 241-7440. Her address is:

The Honourable Sheila Copps, PC, MP  
Minister of the Environment  
House of Commons  
Ottawa, Ontario  
K1A 0A6

I expect to meet with the Minister in the near future to emphasize the importance of NAPP. Your resolutions or letters will help us to make FCM's position heard. As this is a time sensitive matter, your prompt action is required.

Thank you for your assistance.

Yours sincerely,

A handwritten signature in black ink, reading "D. Laurence Mawhinney". The signature is fluid and cursive, with a large loop at the end of the last name.

D. Laurence Mawhinney  
President

LM/kt:sd  
Attachment

## **NATIONAL PACKAGING PROTOCOL**

**WHEREAS** Canada has a National Packaging Protocol designed to reduce packaging waste through voluntary measures and, if necessary, through regulation;

**WHEREAS** the Government of Canada is a signatory to the National Packaging Protocol (NAPP);

**WHEREAS** through NAPP, a 21% reduction in packaging waste was achieved through voluntary measures and governments, including municipal governments, and the private sector have already invested heavily in NAPP;

**WHEREAS** it is prudent to be in the forefront of environmental restrictions on packaging to ensure access to international markets;

**WHEREAS** Canada has the highest production of domestic waste per capita in the world and a disposal crisis threatens many areas of the country including all of Canada's big cities;

**WHEREAS** other countries have 50% less packaging waste than Canada and continue to reduce packaging waste;

**WHEREAS** concerted action through strong Federal leadership is required to address the complex and challenging waste management issues and to achieve a national strategy to reduce the amount of waste we produce in Canada;

**WHEREAS** NAPP was given the highest priority among environmental issues with the Federation of Canadian Municipalities (FCM);

**BE IT RESOLVED** that the Council of \_\_\_\_\_ urge the Federal Government to reaffirm its commitment to NAPP and the targets and policies of the Protocol;

**BE IT FURTHER RESOLVED** that the Council of \_\_\_\_\_ urge the Federal Government to recognize through NAPP the importance of environmentally friendly packaging for Canadian products and the Canadian economy.

## FACT SHEET: THE IMPORTANCE OF PACKAGING WASTE

Packaging waste reduction is a significant problem for most municipal governments. For FCM, it has been an ongoing, high-priority issue. Consider the following:

- 71% of current municipal landfill capacity in Canada is now exhausted.
- Canada produces the most domestic waste per capita in the world.
- The 50% reduction called for by FCM and agreed upon in NAPP would lower Canada's packaging consumption to the level typical of Western European countries, including those with higher standards of living than Canada's.
- Half of the waste currently going to landfill sites could be diverted, resulting in huge savings in municipal costs.

### NAPP HISTORY

- In 1988, FCM challenged leaders of the three major political parties to commit to Federal action to reduce the amount of packaging by 50% by the year 2000.
- Subsequently, the National Task Force on Packaging was created, and the National Packaging Protocol (NAPP) was signed by the Federal Government and all provincial/territorial governments.
- In 1991, FCM produced the Municipal Guide for the Promotion of Packaging Waste Reduction
- In 1992, FCM launched a Postcard Campaign and across-Canada kiosk tour to underline to consumers and industry the importance of packaging waste reduction.
- FCM conducted a municipal environmental survey on packaging waste reduction.
- In 1994 FCM produced the FCM Packaging Waste Reduction Guide, organized a Packaging Stewardship Workshop and produced a Packaging Newsletter.
- FCM submitted a brief to the Federal Government on the review of the Canadian Environmental Protection Act, including a request for obligatory deposit/refund systems.

## **FCM RESOLUTIONS ON PACKAGING WASTE AND RECYCLING**

### **1989      Packaging Waste Reduction**

To urge the Government of Canada to make a commitment to reduce the amount of packaging by at least 50% by the year 2000;

To call upon the Government of Canada to provide funding to undertake research to ascertain municipal waste management problems.

### **1989      Recycling**

To urge the Government of Canada and provincial/territorial governments to give priority to the reduction of packaging and reuse of packaging, and only as a third choice, promote recycling.

To urge the Government of Canada to facilitate the development of adequate markets for recyclable goods and to encourage manufacturers to find methods to increase the use of recycled materials;

To urge the Government of Canada to develop warehousing to store or stockpile separated materials for recycling which would otherwise end up on the local dump;

To urge the Government of Canada to fund research into the development of recycling processes.

### **1990      Recyclable Materials**

To urge the Government of Canada and provincial and territorial governments to enact appropriate legislation to require manufacturers and importers of products composed of paper, glass, plastic, metals and other materials to include a suitable percentage of post-consumer waste in the said products;

To urge the Government of Canada and provincial and territorial governments to enact policies and legislation whereby all public agencies should give preference to suppliers of goods and materials that include a suitable component of post-consumer waste in their products.

To urge provincial and territorial governments to enact deposit legislation for non-refillable containers and encourage those provinces that have deposit legislation to expand it to include additional containers.

**1990**      **Use of and Markets for Recycled Materials**

To urge the Government of Canada and provincial and territorial governments to develop programs and incentives to assist in determining markets for the recycled material, and to encourage and promote the use of recycled materials.

**1990**      **National Packaging Protocol**

To urge the Ministry of the Environment to implement the six Packaging Policies and the Milestone Targets put forward by NAPP.

**1991**      **Recycling**

To urge the Government of Canada to initiate legislation to promote recyclable materials through preferential purchasing policies and government legislation, making the reuse of a minimum percentage of recyclable materials such as glass, paper, plastics and metal in the production of new products mandatory by the appropriate industry.

To encourage FCM and its members to use 100% recycled paper for FCM requirements by 1993.

**1991**      **Recycling of Telephone Books**

To request the Federal Government to encourage all telephone companies to assume the full costs of collecting, handling and recycling their used telephone directories.

**1991**      **Recycling Logos**

To have FCM develop an information program to educate the public about the truthfulness of marketing which promotes recyclability of goods and packaging;

To have FCM work with other orders of governments to develop criteria and standards for the use of recycling logos and statements of recyclability in the marketing of products;

To have FCM encourage all governments to establish laws and enforcement mechanisms to ensure that these criteria and standards are adhered to.

**1993            Contribution of oil companies to the cost of disposal and recycling of petroleum products**

To urge the Government to institute regulations requiring oil companies to contribute to the cost of disposal and recycling of the petroleum products that they sell.

**1993            Excessive Packaging**

To request the Government of Canada and provincial and territorial governments to enact suitable legislation and/or policies to require manufacturers and distributors of goods and materials to reduce the amount of packaging used for their products (minimum contents).

To request the Government of Canada and provincial and territorial governments to enact policies and or legislation whereby all public agencies give preference to suppliers of goods and materials that used reduced packaging.

**1994            Recyclable Materials - Packaging and Containers**

To request the Government of Canada to study and legislate the composition or materials used in the manufacture of packaging and containers for consumer products in order to promote their recycling.

To request the Government of Canada to simplify the packaging of consumer products.

**COMMENTS:**

We concur with the recommendation of the Environmental Advisory Board.

"G. SURKAN"  
Mayor

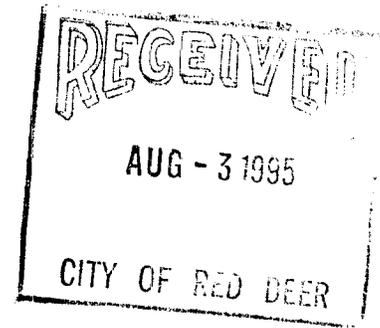
"M.C. DAY"  
City Manager

MAR 16 1995

CITY OF

NO. 2

**CANADIANS FOR A UNIFIED CANADA**  
**5 Director Court, Suite 201**  
**Woodbridge, Ontario**  
**L4L 4S5**  
**Tel. #905-850-8141 Fax #905-850-8147**



CITY OF RED DEER  
 5504 54TH AVE  
 RED DEER, AB T4N 5K7  
 Attn: Chief Executive Officer

**Subject:**

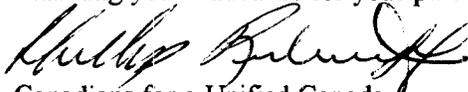
***The Upcoming Quebec Referendum***

We are writing to you as a group of concerned Canadians attempting to find ways to keep our country united. Our initial effort began early in 1995 by way of a greeting to Quebecers asking them to remain a part of Canada. Later, we followed through with an appeal to Canadians asking them for their support via an ad in the National Edition of The Globe & Mail. This ad was widely read and answered. Copies of the ads and the thank you letter we sent out to the thousands of respondents are attached hereto and summarize the results.

The new initiative we are asking your organization to partake in is as follows: we are providing a package similar to the one enclosed to thousands of organizations across the country. Our goal is for each targeted organization in the rest of Canada to correspond with their sister organizations in Quebec. We feel that a message from the people from the rest of Canada to the people of Quebec will have a very positive bearing upon the upcoming Referendum if the message comes from the people of your organization to your sister organization(s) in Quebec. We suggest that your message basically outline your concerns about the future of Canada without Quebec; the fact that the people of Quebec have always contributed to Canada, and the hope that Quebec will continue to be a part of the "Canadian Family". It is recommended that a petition be circulated amongst your members, staff, etc. for signature and forwarded to the Quebec sister organization(s). You will find attached a specific list with addresses that your petition can be sent to and we hope that each of the receiving Quebec organizations will pass it on to their individual members, staff, etc.. We have also included a sample petition in French and English which you may like to use. Alternatively, you may wish to write your own petition. We suggest that these petitions be prepared and mailed to everyone on the attached list by mid to late September, 1995. We hope the messages will impact on the many Quebecers who are undecided as to their position and unsure of how their fellow Canadians from the rest of Canada feel about this important issue.

If you should have any questions or require any assistance in the preparation and forwarding of your petition, please feel free to contact us. Canada needs your help, please do your part.

Thanking you in advance for your participation.

  
 Canadians for a Unified Canada

P. S. Please mail or fax a copy of your petition and a list of the organizations to which it was sent to us, so that we may compile a summary for a press release.

La Presse, January 7th, 1995, Montreal

*A TOUS LES QUEBECOIS  
ET A TOUTES LES QUEBECOISES*

En ce début de l'année 1995, nous tenons à vous assurer de notre amitié et à exprimer le souhait que vous demeuriez au sein du Canada.

Vous faites partie de la grande famille canadienne et votre caractère distinct contribue à la grandeur de notre pays.

Notre désir le plus cher est que vous choisissiez le Canada.

Neuf de vos concitoyennes et concitoyens canadiens:

Lise et David Andrews  
Doreen et Arthur Gryfe  
Ida et Phillip Rubinoff

Roz et Marvin Giller  
Harvey Medland

Toronto, Canada

The Globe and Mail, Saturday, March 4, 1995

NATIONAL NEWS

A9

# FELLOW CANADIANS!

## OUR COUNTRY NEEDS YOUR HELP!

We nine Canadians, not affiliated with any official group or political party, recently published the following message in French to the people of Quebec via the Montreal newspaper, La Presse:

### TO THE PEOPLE OF QUEBEC

As we celebrate the beginning of 1995, we extend our hands in friendship with a hope for your continued presence in Canada. As members of the Canadian family, your uniqueness contributes to the country's greatness. Our wish is that you remain part of Canada.

Lise and David Andrews  
Roz and Marvin Giller  
Ida and Phillip Rubinoff

Doreen and Arthur Gryfe  
Harvey Medland  
—Toronto, Ontario

After a follow-up article appeared in La Presse questioning our motives, we were contacted by Francophone members of a Montreal social group. A poignant part of their letter to us reads as follows:

**"We hope not to be the only ones to shake the hand you extend. It would only take a certain number of such gestures from all parts of the Country to erase the deep feeling of indifference resented by many (if not most) Quebecers and without which separatists would be fewer. Your testimony means far more than you probably realize."**

We intend to meet with them in Montreal at the end of this month and would like to take with us tangible support from like-minded Canadians.

Let us not depend on politicians and special interest groups to express our views. The people of Quebec should know from Canadians across the country that we nine are only a very few of the many who support Quebecers wishing to remain part of a unified Canada.

If you wish to have Quebec remain a part of this great country, please send us your cards, letters and faxes, supporting this position.

Write to: **Canadians for a Unified Canada**  
P.O. Box 342  
33-7600 Weston Road  
Woodbridge, Ontario, L4L 8B7

Or Fax to: **905-850-9750**  
**905-850-8147**

**CANADIANS FOR A UNIFIED CANADA**

P. O. Box 342  
 33-7600 Weston Road  
 Woodbridge, Ontario  
 L4L 8B7

April 27th, 1995

Dear Fellow Canadian(s),

Thank you for your response in answer to our March 4th, 1995, *Globe & Mail* request for help from our fellow Canadians.

We received over 700 letters, faxes and petitions from every province, territory and eight countries representing thousands of like minded Canadians who wished us to pass the same kind of message to Quebecers that we had previously sent to them via our greeting in *La Presse*.

We are proud to say your responses were heart warming both to us and to our Quebec hosts, who received them at the Montreal dinner party, which was dubbed by CTV as "The Great Canadian Dinner Party".

The messages you sent and our trip to Montreal on Friday March 24th to the 26th was the subject of much national and local media attention during the weeks preceding and following our visit.

At present, we are contemplating setting up some kind of non political, privately funded organization, which would foster better communications between Quebec and the rest of Canada. The need to encourage dialogue was the most recurring message we received. As people to people we can speak and be heard. However, when the media and politicians become involved a barrier often arises, which interferes with the good will and good intentions prevalent in most Francophone and Anglophone communities.

Our Francophone hosts are setting up an organization in Quebec to distribute your messages to as many Quebecers as can be reached using any available means.

We are confident that your messages will help keep our country unified.

Again, thank you for your support.

**Canadians for a Unified Canada**

Lise and David Andrews  
 Roz and Marvin Giller  
 Ida and Phillip Rubinoff

Doreen and Arthur Gryfe  
 Harvey Medland

Fax # 905-850-8147

***A TOUS LES QUEBECOIS ET A TOUTES LES QUEBECOIS  
TO THE PEOPLE OF QUEBEC***

**Nous, \_\_\_\_\_, tenons à vous assurer de notre amitié et à exprimer le souhait que vous demeuriez au sein au Canada.**

**Vous faites partie de la grande famille Canadienne et votre caractère distinct contribut à la grandeur de notre pays. Notre désir le plus cher est que vous choisissiez le Canada.**

**We, \_\_\_\_\_, extend our hands in friendship with a hope for your continued presence in Canada.**

**As members of the Canadian family, your uniqueness contributes to the country's greatness. Our wish is that you remain part of Canada.**

VILLE DE BROSS HOTEL DE VILLE	2001 ROME	BROSSARD	PQ	J4W 3K5
BEAUPORT INFORMATION GENERALE	10 DEL' HOTEL-DE-VILLE	QUEBEC	PQ	
VILLE DE CHARLESBOURG INFORMATION GENERALE	160 76 RUE EST CHSBRG	QUEBEC	PQ	
CHICOUTIMI INFORMATION GENERALE	201 RACINE E	CHICOUTIMI	PQ	G7H 1S3
GOVERNEMENT DE MONTREAL	4242 PL HOTEL DE VILLE	MONTREAL	PQ	H1H 1S5
LASALLE HOTEL DE VILLE DE	55 DUPRAS	MONTREAL	PQ	
VILLE DE LONGUEUIL HOTEL DE VILLE	350 CURE POIRIER O	LONGUEUIL	PQ	
MAISON DES CITOYENS	25 LAURIER RUE	HULL	PQ	J8X 4C8
MONTREAL GENERAL INFORMATION		MONTREAL	PQ	
VILLE DE QUEBEC HOTEL DE VILLE	2 DES	QUEBEC	PQ	
VILLE DE SAINT-HUBERT HOTEL DE VILLE	5900 COUSINEAU	SAINT LAMBERT	PQ	
SAINT-LAURENT HOTEL DE VILLE	777 LAURENTIEN	MONTREAL	PQ	H4M 2M7
VILLE DE SAINTE-FOY		QUEBEC	PQ	
SANT-LEONARD HOTEL DE VILLE	8400 LACORDAIRE	MONTREAL	PQ	H1R 3B1
SHERBROOKE COUR MUNICIPALE	130 FRONTENACE	SHERBROOKE	PQ	
VERDUN SERVICES MUNICIPAUX	4555 VERDUN	MONTREAL	PQ	H4G 1M4

COMMENTS:

A proposed resolution has been drafted for Council's consideration.

"G. SURKAN"

Mayor

"A. WILCOCK"

Acting City Manager

**FILE**

**DATE: August 15, 1995**  
**TO: Mayor Surkan**  
**FROM: Assistant City Clerk**  
**RE: CORRESPONDENCE FROM CANADIANS FOR A UNIFIED CANADA**

---

At the Council meeting held on August 14, 1995, consideration was given to correspondence from Canadians For A Unified Canada, re: The Upcoming Quebec Referendum, at which meeting the following resolution was passed:

"RESOLVED that Council of The City of Red Deer, having considered correspondence from the Canadians For A Unified Canada, re: Upcoming Quebec Referendum, hereby agrees that a letter signed by the Mayor and all members of Council, be sent to our Sister City in Quebec, Cap-de-la-Madeleine, to the attention of the Mayor and Council, indicating Council's desire to keep Canada unified with Quebec, as an integral part of the Canadian family, and further that we continue the unique friendship between our Cities, and as presented to Council August 14, 1995."

I trust you will now be preparing a letter to be sent to our sister City, Cap-de-la-Madeleine, to the attention of Mayor and Council, indicating Council's desire to keep Canada unified with Quebec. Should you wish any assistance from our department in this regard please do not hesitate to contact me.

  
JEFF GRAVES  
Assistant City Clerk

JG/fm

Red Deer City Council  
City of Red Deer

*Copied to Councillors Sept 11/95*

3 September 1

**FILE** *fb*

Re: Canadians for a Unified Canada

Dear Mayor Surkan and Councillors:

Having read the correspondence sent by Phillip Rubinoff on behalf of Canadians for a Unified Canada, I have some comments on the matter.

A few years ago, I assisted my brother Jim Taylor on an initiative known as 'My Canada Includes Quebec' and 'Mon Canada Comprend le Quebec'. One of Jim's few stops in Alberta was at the City of Red Deer where his efforts were supported by Red Deer City Council.

As with Canadians for a Unified Canada, Jim's intention was that My Canada Includes Quebec remain non-political. Shortly after his visit to Alberta however, the federal government became further involved in the situation by deciding that a national referendum be held. Jim decided to discontinue his initiative rather than become an aspect of the Progressive Conservative's government strategy for winning the upcoming vote.

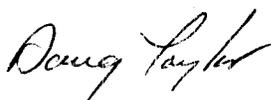
Due to the impending campaign by the federal and Quebec provincial governments for the Autumn vote in Quebec, I suspect that it will be very difficult for Canadians for a Unified Canada to remain non-political. Consequently, I suggest that Red Deer City Council be cautious in following the suggested approach of the Rubinoff correspondence.

I do however support an initiative with respect to Cap-de-la-Madeleine. In anticipation that Quebec will not vote to leave one of the best countries in the world, I suggest that Red Deer City Council consider sending a bridge-building communication a short period after the vote.

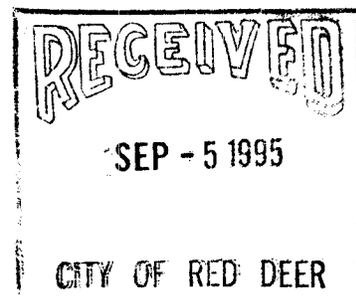
This post-vote letter might say the Red Deer City Council is encouraged that Quebec has chosen to stay in the Canadian family and might suggest that this decision be commemorated by the start of an exchange of information by various bodies in the two cities. This exchange program might involve the Red Deer Visitor and Convention Bureau, the local newspapers, business clubs, service and ethnic organizations, the Fort Normandeau Society and so on. It may be appropriate for the Red Deer Public Library to coordinate this program and to make copies of communications available to the public. Volunteers to the Red Deer Public Library could assist with language challenges.

Thank you for this opportunity to provide my comments. A special thanks to Councillors Guilbault, Lawrence, Pimm and Statnyk for their excellent contributions over many years as the representatives of the people of Red Deer on City Council. They have served us well.

Yours truly,



Doug Taylor  
20 Anquetel Close  
Red Deer, AB





Le 25 septembre 1995

Le Maire Alain Croteau  
Ville de Cap-de-la-Madeleine  
10 rue de l'Hôtel-de-Ville  
Cap-de-la-Madeleine, Québec  
G8T 5W1

Cher Maire Croteau:

**RE: LE REFERENDUM QUÉBÉCOIS**

En tant que Canadiens, nous avons suivi avec intérêt et inquiétude les débats sur le referendum qui se tiendra tout prochainement.

La Cité de Red Deer a reçu récemment de la correspondance de "Canadians for a United Canada", un groupe de Canadiens soucieux de trouver des moyens pour garder notre pays unifié. Cette correspondance a soulevé un débat qui a poussé notre conseil municipal à passer la résolution suivante à l'unanimité:

"RÉSOLU que le Conseil de la Cité de Red Deer, ayant considéré la correspondance du groupe "Canadians for a Unified Canada" re: le prochain referendum, donne son accord pour qu'une lettre signée par la Mairesse et tous les membres du Conseil soit envoyée à notre ville-soeur du Cap-de-la-Madeleine, Québec, à l'attention du Maire et Conseil, exprimant le désir du Conseil de garder le Canada unifié avec le Québec, faisant partie intégrale de la famille canadienne, et de continuer en plus de resserrer les liens d'amitié entre nos deux villes, tel que présenté au Conseil le 14 août 1995."

Nous apprécions les rapports privilégiés que nous échangeons avec vous, notre ville-soeur, et nous voulons continuer à en jouir pour longtemps encore.

.../2

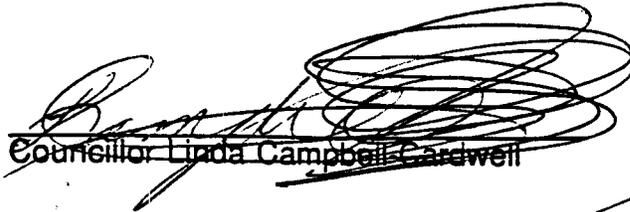
**THE CITY OF RED DEER**

Box 5008, Red Deer, Alberta, Canada T4N 3T4 Telephone: (403) 342-8155 Fax: (403) 346-6195

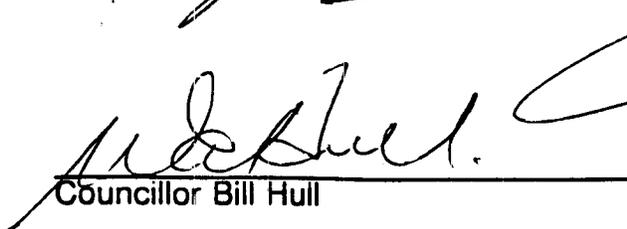
Au nom de chacun d'entre nous, en tant que Canadiens intéressés ainsi que dirigeants de la fonction publique, nous vous offrons notre amitié avec l'espoir de voir le Québec continuer à faire partie du Canada. Comme membres de la grande famille canadienne, votre caractère unique contribue à la grandeur de notre pays, et notre désir le plus cher est de vous garder au sein du Canada.

Sincèrement,

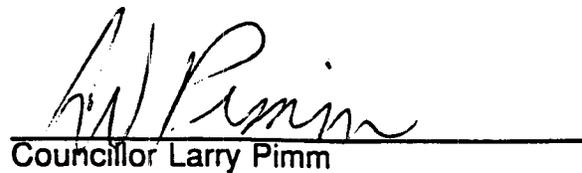
  
\_\_\_\_\_  
Mayor Gail Surkan

  
\_\_\_\_\_  
Councillor Linda Campbell-Cardwell

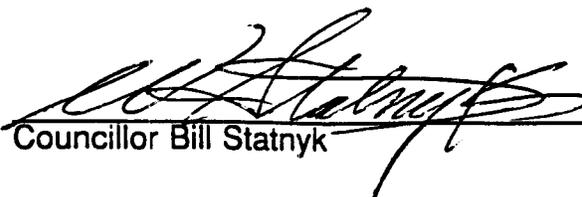
  
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Councillor Tim Guilbault

  
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Councillor Bill Hull

  
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Councillor Dan Lawrence

  
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Councillor Larry Pimm

  
\_\_\_\_\_  
Councillor Bob Schnell

  
\_\_\_\_\_  
Councillor Bill Statnyk

  
\_\_\_\_\_  
Councillor Jason Volk



September 25, 1995

Le Maire Alain Croteau  
Ville de Cap-de-la-Madeleine  
10 rue de l'Hotel-de-Ville  
Cap-de-la-Madeleine, Quebec  
G8T 5W1

Dear Maire Croteau:

**RE: THE UPCOMING QUEBEC REFERENDUM**

As Canadians, we have been following the debate on the upcoming Quebec referendum with interest and concern.

Recently, The City of Red Deer received correspondence from Canadians for a Unified Canada, a group of concerned Canadians attempting to find ways to keep our country united. This correspondence prompted a debate which moved Red Deer City Council to pass the following resolution with unanimous consent:

"RESOLVED that Council of The City of Red Deer, having considered correspondence from the Canadians for a Unified Canada, re: Upcoming Quebec Referendum, hereby agrees that a letter signed by the Mayor and all Members of Council, be sent to our sister city in Cap-de-la-Madeleine, Quebec, to the attention of the Mayor and Council, indicating Council's desire to keep Canada unified with Quebec, as an integral part of the Canadian family, and further that we continue the unique friendship between our cities, and as presented to Council August 14, 1995."

We appreciate the special relationship shared with you as our "sister" city, and look forward to it continuing far into the future

...../2

**THE CITY OF RED DEER**

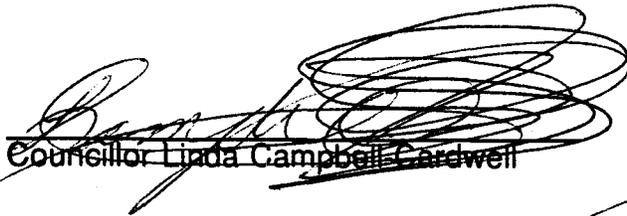
Box 5008, Red Deer, Alberta, Canada T4N 3T4 Telephone: (403) 342-8155 Fax: (403) 346-6195

Le Maire Alain Croteau  
September 25, 1995  
Page 2

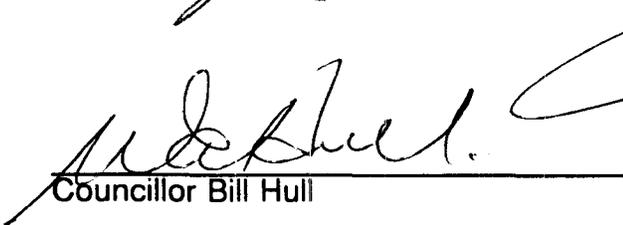
On behalf of each and every one of us, as concerned Canadians and as public leaders, we extend our hands in friendship with a hope for Quebec's continued presence in Canada. As members of the Canadian family, your uniqueness contributes to this country's greatness. Our heartfelt wish is that you remain part of Canada.

Sincerely,

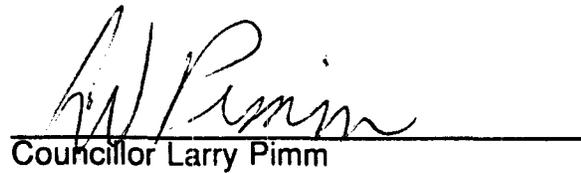
  
\_\_\_\_\_  
Mayor Gail Surkan

  
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Councillor Linda Campbell Cardwell

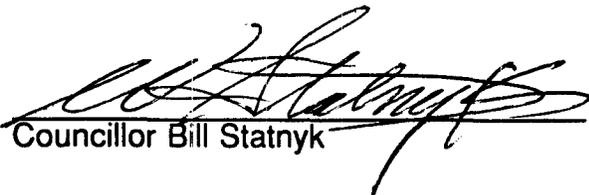
  
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Councillor Tim Guilbault

  
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Councillor Bill Hull

  
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Councillor Dan Lawrence

  
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Councillor Larry Pimm

  
\_\_\_\_\_  
Councillor Bob Schnell

  
\_\_\_\_\_  
Councillor Bill Statnyk

  
\_\_\_\_\_  
Councillor Jason Volk



November 13, 1995

Le Maire Alain Croteau  
Ville de Cap-de-la-Madeleine  
10 rue de l'Hôtel-de-Ville  
Cap-de-la-Madeleine, Québec  
G8T 5W1

Dear Mayor Croteau:

We are truly at a turning point in the history of our nation.

The members of Red Deer City Council have asked me to share with you our sincere desire for a strengthening of the bonds which exist between our two communities as we move toward the next century.

All of us realize that the political and administrative structures which now govern us will have to evolve over time to meet the needs of our citizens. We know there will continue to be lively and earnest debate over which alternatives are best and that no one alternative will ever be 100% satisfactory.

It is our hope that together the people of Canada will find a way to build a positive future as a unified nation. We feel strongly that the bond we share as "sister communities" can significantly influence how that future unfolds.

We want you to know that we recognize no boundaries to the friendship between Cap-de-la-Madeleine and Red Deer. It is a relationship which we hope will continue to enrich both of our communities.

Please know that our thoughts are with you during these times of change.

Yours truly,

Gail Surkan  
Mayor

P.S. We have just completed a municipal election in Alberta. I am enclosing an updated list of our Council Members for your information.

c.c. Members of Council  
City Clerk

**THE CITY OF RED DEER**

Box 5008, Red Deer, Alberta, Canada T4N 3T4 Telephone: (403) 342-8155 Fax: (403) 346-6195

NO. 3

68 Aikman Close  
Red Deer, AB  
T4R 1G2  
1st August, 1995

Her Worship, Mayor Gail Surkan  
City Hall  
RED DEER, Alberta

Dear Mayor Surkan;

We, as home owners, on the east side of Aikman Close are very disturbed with the new grade level on the west side of Phase 5, Victoria in Anders Park which is adjacent to our properties. The developer has built the grade up to a height in excess of 2.5 metres above the alley level.

The proposed development plan obtained from the City Engineering Department shows a gradual grade from 888.8 metres in the the alley to 889 metres in the centre of the lots to 890.47 at the new road level. The current earth deposits do not follow the contours on this proposed plan.

The potential height of homes built on this artificially elevated land concerns us in their proximity to our homes. We understand that this grade height increase has, in previous development, caused devaluation of adjacent property and an intrusion in privacy which does not fit the concept of single family dwellings. In the development on the west side of Victoria in Anders Park to the north, the height of the homes with a walk-out basement is, in effect, equivalent to that of a three storey apartment block.

We request that the developer be required to follow the natural incline of the land which would result in the land being levelled to just 1 metre above the existing alley level.

An alternative solution would be to require the developer to conform strictly to the contour lines on the proposed plan submitted to the City Engineering Department on 27th of July, 1995 and to restrict the sale of the lots adjacent to the west alley to single storey house designs.

Yours very truly,

Kim and David Browatzke

*Kim & Dave Browatzke*

Lesley and Gordon Denny

*Leslie & Gordon Denny*

Shirley and David Lamb

*Shirley C. Lamb      David W. Lamb*

Gladys and Peter Lucien

*Gladys and Peter Lucien*

Milo Manning

*Muriel M. Manning*

Barbara and Bob Scammell

*Barbara and Bob Scammell*

cc Members of City Council  
Melcor Developments

**TO:** City Clerk **DATE:** August 4, 1995  
**FROM:** Paul Meyette, Principal Planner  
**RE:** Victoria in Anders Park Phase V - Grade Level

---

A number of home owners are concerned with the grade level on the west side of Anders East (Victoria Park) Phase 5. They are concerned that the high grade level combined with multi-storey houses would be intrusive on the privacy of adjacent homes.

### **Background Information**

The height of homes in Anders East (Victoria Park) bordering the existing Anders subdivision has been before City Council several times. Part of the rationale for the high grade levels in earlier phases was the need to increase the depth of cover over the storm main. Council introduced three resolutions and one land use bylaw amendment to address concerns in earlier phases. Two resolutions were passed on July 19, 1993:

"Resolved that the Council of the City of Red Deer having considered correspondence from J. Paul Stewart, dated June 25, 1993, re maximum height of houses - definition of grade/development of land, hereby agrees that the Red Deer Regional Planning Commission expand its current review of the residential standards in the Land Use Bylaw to address the concerns identified in the above noted correspondence from Mr. Stewart, and as presented to Council July 19, 1993".

"Resolved that Council of the City of Red Deer having considered correspondence from J. Paul Stewart dated June 25, 1993, re: Grade Level/Contour of Land, hereby agrees that the Engineering Department be directed to review the grade level, contour of land, drainage of lands and architectural design of buildings in the vicinity of Ardell Close, with Melcor Developments Ltd. And the residents directly effected by development in the new Anders subdivision. Council further directs that the Engineering Department report back to Council on this issue prior to a development agreement being entered into for Ardell Close."

On September 28, 1993 the following resolution was introduced but defeated:

"Be it resolved that the Red Deer Regional Planning Commission bring forward an amendment to the Land Use Bylaw to suitably restrict heights of homes bordering Anders East"

On March 28, 1994, City Council passed a land use bylaw amendment which redefined the way grade is calculated on a lot but increased the maximum height of buildings to 10 metres from 8 metres. The new definition of grade requires that the calculation of grade occurs at the mid point between the lowest finished grade and the highest finished grade and the height is measured from that point. This new definition was intended to ensure that a difference in elevation between the front street and the rear lane would be taken into account in calculating height (previously grade was measured from the front elevation).

### **Comments**

The residents in the existing Anders subdivision are requesting one of two things:

That the pregrading elevation in Anders East (Victoria Park) be lowered to one metre above the lane

or

That the new houses adjacent to the west alley be restricted to single storey designs

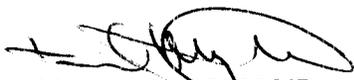
As you will note from previous Council motions, the City Engineering Department has addressed this issue previously by working with the developer and the community to ensure that the grade levels are kept to a minimum. The Engineering Department has however indicated that the shallowness of the storm sewer in Phase 5 would make it very difficult to achieve any substantial lowering in the grade, in this phase.

In terms of the second alternative which would restrict houses to single storey designs, Council has previously considered and rejected specific height restrictions in this neighbourhood. Any control of this nature could be implemented through an amendment to the outline plan.

### **Recommendation**

Based upon discussions with the Engineering Department, it does not appear possible to achieve a substantial lowering of the grade due to the shallowness of the storm sewer. A restriction of the height of houses adjacent to the west alley may be the only way to address the neighbourhood's concerns.

Planning staff have been unable to discuss this issue with the developer, prior to sending this response; we suggest that Council table this item to allow for discussions with the developer related to resolving the neighbourhood's concerns.



Paul Meyette, ACP, MCIP  
PRINCIPAL PLANNER, CITY SECTION

cc L. Hodgson  
K. Haslop



DATE: August 3, 1995

TO: City Clerk

FROM: Engineering Department Manager

**RE: ANDERS EAST - PHASE 5 SUBDIVISION  
GRADE DIFFERENTIAL BETWEEN EXISTING AND NEW HOUSING**

---

We have the following comments in response to the petition from the residents of Aikman Close who are objecting to the rise in grade proposed for the Anders East - Phase 5 subdivision:

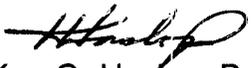
1. We met with several of the petitioners on August 1, 1995, and provided them with information regarding the status of this development and some general development policies and procedures. We also provided a copy of the developer's site grading drawing. The contours illustrated on the developer's site grading drawing refer to original ground elevations, not proposed grades as suggested by the petitioners.
2. Since receiving the petition, we contacted the developer and his engineering consultant, requesting their comments in this regard. Copies of same are attached.
3. The developer has not yet submitted his full set of engineering drawings to the City for this subdivision. Nor has he requested that we prepare a Development Agreement yet. However, he has recently completed site grading for this subdivision phase. The City does not require a Development Agreement to be executed prior to site grading.
4. Based on the developer's preliminary engineering drawing, it would appear that the proposed street grade was set by his consultants at 0.7 metres to 1.3 metres above existing ground level. However, the original ground under the proposed street was 0.5 metres to 1.0 metres higher than the existing lane elevation. The net result is that the proposed street will be between 1.2 metres and 2.3 metres higher than the existing lane. The main floor of the new houses are likely to be slightly higher than the proposed street.
5. Based on the developer's preliminary design information, we feel that the raised street grades proposed by the developer are required to provide sufficient cover over the storm line. It would, therefore, not be feasible to limit the street grade to a maximum of 1 metres above the adjacent lane grade as requested by the petitioners.

City Clerk  
Page 2  
August 9, 1995

6. The elevation of the storm sewer in question was governed by the amount of right of way and depth of excavation available in 1977 on 55 Street adjacent to the Red Deer Cemetery. We could not set the line deeper without interfering with the Cemetery. As a result, in the westerly 100 metres of Victoria Park, the storm line would appear to be shallower. In view of the Cemetery problem and the extra cost associated with a deeper trunk system for approximately 3.2 kilometres, the decision was made to accept the consultant's recommended storm line elevation which governs today. It is not uncommon to require prelevelling in subdivisions to provide adequate cover over utility mains, particularly where only small portions of the development area would be affected.
7. We suggest that as an alternative to ground elevation reduction, consideration could be given to restricting the developer to building single storey housing adjacent to the lane. This matter more appropriately falls under the Area Outline Plan and perhaps should be commented upon by Parkland Community Planning Services.
8. If the ground elevation was reduced and in the event of a major rain storm or spring runoff, the flow would not be directed to the new storm pond, but would flow towards the existing lane and introduce the possibility of flooding the existing lots in Aikman Close.

### **RECOMMENDATION**

In considering the information provided above, we would respectfully recommend that the request to restrict the new street grade to a maximum of 1 metre above the adjacent lane grade be denied.

  
Ken G. Haslop, P. Eng.  
Engineering Department Manager

TCW/emg  
Att.

c.c. Principle Planner, Parkland Community Planning Services

**AL-TERRA Engineering Ltd.**

**Consulting Engineering**  
Edmonton • Red Deer

August 8, 1995  
199-01

THE CITY OF RED DEER  
ENGINEERING DEPARTMENT

<b>RECEIVED</b>	
TIME	4:00
DATE	AUG - 8 1995
BY	<i>Evam Gauer</i>

City of Red Deer  
Engineering Department  
Box 5008  
Red Deer, Alta

*Ken* 

Attention: Mr. Ken Haslop, P. Eng.  
Engineering Department Manager

Dear Sir

**Re: Anders East Phases 5 and 7**  
**By Anders East Developments Ltd.**  
**Grading For Future Development**

We are in the process of grading the above noted subdivisions. The west boundary of the Anders East Phase 5 subdivision will back onto a lane, separating it from existing Anders Park lots. The attached 8½" x 11" plan illustrates the relative location of Anders East Phase 5 and part of Phase 7, and the existing Anders Park lots. The attached plan also illustrates the location where we have raised the grades the most, above existing ground (1.3 metres or 4.25 feet) and how much we have raised them at several other locations.

We understand some residents in the existing Anders Park subdivision are concerned about the elevation to which we are grading the Anders East Phase 5 and Phase 7 subdivisions. It is not by choice that the grades are the way they have been constructed. We will clarify here-in the reason's why we have designed the grades to where they are on the attached plan.

Firstly, the storm sewer connection, which was constructed in 1980 to service the Anders East quarter section, was constructed substantially higher than desirable. Typically, in order for weeping tile services for houses to work in a reasonable manner, the depth of cover over the top of a storm sewer main should be approximately 2.8 metres (9.2 feet) deep. The cover from top of storm sewer pipe to existing ground, before we started the grading operation, along the west street for Anders East Phase 5 (Andrews Close) would have varied between 0.60 metres (two feet) and 1.0 metre (3.3 feet). This scenario was only achieved by keeping the grade of the storm sewer pipe extremely flat. This added to the cost of development, since if the pipes are installed at flatter grades, larger pipes are required to function at the same level of service as smaller pipes with more grade on them. Even with the grades as currently proposed, the storm sewer pipes will not have as much cover as is desirable.



**NCEA**



Secondly, when we design a particular subdivision (Anders East Phase 5 and Phase 7 in this case) we cannot design it so that only that particular subdivision works. The design has to ensure the remainder of the quarter section works, and, in most cases, that the system also works for other adjacent lands that will be developed in the future. In the case of the Anders East storm management system, prudent design considerations have resulted in the creation of a storm water detention pond, on the Anders East lands, which services not only the Anders East quarter section, but also services future development to the south and the east.

A major function of the storm water detention pond is to provide protection against major rain storm events, such as the worst storm which would occur, in Red Deer, in a 100 year period. This is a design requirement which has been established by the City of Red Deer Engineering Department. In the case of major rain storm events, almost all of the storm water runoff, from the Anders East quarter section and, other lands which drain into this storm drainage system, will be directed into the Anders East storm detention pond. This storm management system will accordingly provide an added level of protection to the residents who live in the existing Anders Park quarter section, since storm water runoff from lands to the east will be directed into the storm detention pond, instead of continuing on into the existing Anders Park subdivision. With Anders East Phase 5 and Phase 7, as per current design grades, if the storm sewer pipes cannot handle the volume of rain, it will flow, overland, along streets and walkways, to the storm detention pond, instead of flowing westward into the existing Anders Park area.

There is a significant added cost to raise the grades of Anders East Phase 5 and Phase 7 in order to accomplish the goals noted above. The added cost to Anders East Developments Ltd. for the grading part of the work only, is approximately \$47,000.00. Accordingly, as indicated earlier, it is not in the best interests of Anders East Developments Ltd. to raise these road grades. From a design consideration, it is necessary.

We can be available at your convenience to discuss this matter further.

Yours truly



Martin Broks, P. Eng.  
Red Deer Manager

c.c. Melcor Developments Ltd.  
Attention: Mr. Fred Lebedoff, R.E.T.

CS- 4.797

**DATE:** August 4, 1995

**TO:** KELLY KLOSS  
City Clerk

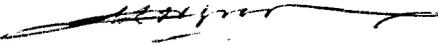
**FROM:** LOWELL R. HODGSON  
Director of Community Services

**RE:** VICTORIA IN ANDERS PARK PHASE V - GRADE LEVEL

---

This memo responds to your request for comments dated August 2, 1995.

The issue addressed in the petition from Aikman Close residents is one of Engineering specifications and planning; they will be commenting on these standards. From a Community Services perspective, we would express the need for caution in blending existing neighbourhoods with new development so that the transition is gradual. Thus, I would encourage these residents and the developer to cooperate in finding a solution that is reasonable for all parties. This issue has been raised once already in this subdivision and, prior to the development of these lots, a compromise should be encouraged.



LOWELL R. HODGSON

:ad

COMMENTS:

We concur with the recommendation of Parkland Community Planning Services that this item be tabled and the Planning staff meet with the developer to discuss the issue of limiting the height of the residences in the area in question, and further that they facilitate a meeting between the developer and residents to discuss possible compromises.

"G. SURKAN"  
Mayor

"A. WILCOCK"  
Acting City Manager

56 Aikman Close,  
Red Deer,  
Alberta.  
T4R 1G2

Her Worship, Mayor Gail Surkan,  
City Hall,  
Red Deer,  
Alberta.

13 August, 1995

Dear Mayor Surkan,

Ref: Anders East Phase V - Grade Level

Thank you for your consideration of our letter of 1 August 95. I have been requested to reply on behalf of the residents who were signatories to the original letter.

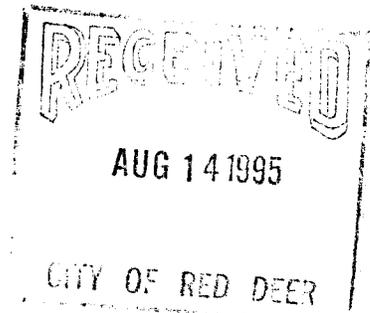
We concur with your recommendation and that of the Parkland Community Planning Services that this matter be tabled at the Council meeting on 14 August 95. We should like to ask the Planning staff to arrange a meeting with the developer and hopefully we can come to a mutually advantageous arrangement regarding the future development and the blending with our neighborhood and our adjacent boundary on the east.

There are some queries we have regarding the reports sent to you by the several departments. We shall endeavor to clarify these with the departments prior to the meeting with the developer. We should like to request that a member of the Planning staff be present at this meeting. In view of holidays we should request that any meeting could be delayed for approximately two weeks to allow all residents to be present.

Yours very truly,

*David W. Lamb*

David W. Lamb



DATE: August 2, 1995

TO: X DIRECTOR OF COMMUNITY SERVICES  
X DIRECTOR OF CORPORATE SERVICES  
DIRECTOR OF DEVELOPMENT SERVICES  
CITY ASSESSOR  
E.L. & P. MANAGER

X ENGINEERING DEPARTMENT MANAGER  
FIRE CHIEF (EMERGENCY SERVICES)  
INFORMATION TECHNOLOGY SERVICES MANAGER  
INSPECTIONS AND LICENSING MANAGER

X LAND AND ECONOMIC DEVELOPMENT MANAGER  
PERSONNEL MANAGER  
PUBLIC WORKS MANAGER  
R.C.M.P. INSPECTOR  
RECREATION, PARKS & CULTURE MANAGER  
SOCIAL PLANNING MANAGER  
TRANSIT MANAGER  
TREASURY SERVICES MANAGER

X PRINCIPAL PLANNER  
CITY SOLICITOR

FROM: CITY CLERK  
RE: VICTORIA IN ANDERS PARK PHASE V - GRADE LEVEL

---

Please submit comments on the attached to this office by August 8, for the Council Agenda of August 14, 1995.

*no comments* 

"Kelly Kloss"  
City Clerk

68 Aikman Close  
Red Deer, AB  
T4R 1G2  
1st August, 1995

Her Worship, Mayor Gail Surkan  
City Hall  
RED DEER, Alberta

Dear Mayor Surkan;

We, as home owners, on the east side of Aikman Close are very disturbed with the new grade level on the west side of Phase 5, Victoria in Anders Park which is adjacent to our properties. The developer has built the grade up to a height in excess of 2.5 metres above the alley level.

The proposed development plan obtained from the City Engineering Department shows a gradual grade from 888.8 metres in the the alley to 889 metres in the centre of the lots to 890.47 at the new road level. The current earth deposits do not follow the contours on this proposed plan.

The potential height of homes built on this artificially elevated land concerns us in their proximity to our homes. We understand that this grade height increase has, in previous development, caused devaluation of adjacent property and an intrusion in privacy which does not fit the concept of single family dwellings. In the development on the west side of Victoria in Anders Park to the north, the height of the homes with a walk-out basement is, in effect, equivalent to that of a three storey apartment block.

We request that the developer be required to follow the natural incline of the land which would result in the land being levelled to just 1 metre above the existing alley level.

An alternative solution would be to require the developer to conform strictly to the contour lines on the proposed plan submitted to the City Engineering Department on 27th of July, 1995 and to restrict the sale of the lots adjacent to the west alley to single storey house designs.

Yours very truly,

Kim and David Browatzke

*Kim & Dave Browatzke*

Lesley and Gordon Denny

*Leslie & Gordon Denny*

Shirley and David Lamb

*Shirley Lamb*

*David W. Lamb*

Gladys and Peter Lucien

*Gladys and Peter Lucien*

Milo Manning

*Muriel M. Manning*

Barbara and Bob Scammell

*Barbara and Bob Scammell*

cc Members of City Council  
Melcor Developments

DATE: August 2, 1995

TO: X DIRECTOR OF COMMUNITY SERVICES  
X DIRECTOR OF CORPORATE SERVICES  
DIRECTOR OF DEVELOPMENT SERVICES  
CITY ASSESSOR  
E.L. & P. MANAGER  
X ENGINEERING DEPARTMENT MANAGER  
FIRE CHIEF (EMERGENCY SERVICES)  
INFORMATION TECHNOLOGY SERVICES MANAGER  
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SOCIAL PLANNING MANAGER  
TRANSIT MANAGER  
TREASURY SERVICES MANAGER  
X PRINCIPAL PLANNER  
CITY SOLICITOR

FROM: CITY CLERK

RE: VICTORIA IN ANDERS PARK PHASE V - GRADE LEVEL

---

Please submit comments on the attached to this office by August 8, for the Council Agenda of August 14, 1995.

"Kelly Kloss"  
City Clerk



**THE CITY OF RED DEER**

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

FILE No.

**FILE**

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

August 2, 1995

Mr. & Mrs. R. Scammell  
68 Aikman Close  
Red Deer, Alberta  
T4R 1G2

Dear Sir and Madam:

I acknowledge receipt of your letter dated August 1, 1995, re: Grade Level - West Side of Phase 5, Victoria/Anders Park.

This item will be discussed and possibly a decision made at the Meeting of Red Deer City Council on August 14, 1995.

Your request has been circulated to City administration for comments. Should you wish to receive a copy of the administrative comments prior to the Council meeting, they may be picked up at our office on the second floor of City Hall on Friday, August 11, 1995.

In the event you wish to be present at the Council meeting, would you please telephone our office on Friday, August 11, 1995, and we will advise you of the approximate time that Council will be discussing this item. Council meetings begin at 4:30 p.m., and adjourn for the supper hour at 6:00 p.m., reconvening at 7:00 p.m. When arriving at City Hall, please enter City Hall on the park side entrance when arriving, and proceed to the second floor Council Chambers.

If you have any questions in the meantime, please do not hesitate to contact the writer.

Yours sincerely,

Jeff Graves  
Assistant City Clerk

JF/ds



*a delight  
to discover!*



**PARKLAND  
COMMUNITY  
PLANNING  
SERVICES**

Suite 500, 4808 Ross Street  
Red Deer, Alberta T4N 1X5  
Phone: (403) 343-3394  
FAX: (403) 346-1570

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**TO:** City Clerk **DATE:** August 4, 1995  
**FROM:** Paul Meyette, Principal Planner  
**RE:** Victoria in Anders Park Phase V - Grade Level

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A number of home owners are concerned with the grade level on the west side of Anders East (Victoria Park) Phase 5. They are concerned that the high grade level combined with multi-storey houses would be intrusive on the privacy of adjacent homes.

#### Background Information

The height of homes in Anders East (Victoria Park) bordering the existing Anders subdivision has been before City Council several times. Part of the rationale for the high grade levels in earlier phases was the need to increase the depth of cover over the storm main. Council introduced three resolutions and one land use bylaw amendment to address concerns in earlier phases. Two resolutions were passed on July 19, 1993:

"Resolved that the Council of the City of Red Deer having considered correspondence from J. Paul Stewart, dated June 25, 1993, re maximum height of houses - definition of grade/development of land, hereby agrees that the Red Deer Regional Planning commission expand its current review of the residential standards in the land Use Bylaw to address the concerns identified in the above noted correspondence from Mr. Stewart, and as presented to Council July 19, 1993".

"Resolved that Council of the City of Red deer having considered correspondence from J. Paul Stewart dated June 25, 1993, re: Grade Level/Contour of Land, hereby agrees that the Engineering Department be directed to review the grade level, contour of land, drainage of lands and architectural design of buildings in the vicinity of Ardell close, with Melcor Developments Ltd. And the residents directly effected by development in the new Anders subdivision. Council further directs that the Engineering Department report back to Council on this issue prior to a development agreement being entered into for Ardell Close."

On September 28, 1993 the following resolution was introduced but defeated:

"Be it resolved that the Red Deer Regional Planning Commission bring forward an amendment to the Land Use Bylaw to suitably restrict heights of homes bordering Anders East"

On March 28, 1994, City Council passed a land use bylaw amendment which redefined the way grade is calculated on a lot but increased the maximum height of buildings to 10 metres from 8 metres. The new definition of grade requires that the calculation of grade occurs at the mid point between the lowest finished grade and the highest finished grade and the height is measured from that point. This new definition was intended to ensure that a difference in elevation between the front street and the rear lane would be taken into account in calculating height.

#### Comments

The residents in the existing Anders subdivision are requesting one of two things:

That the pregrading elevation in Anders East (Victoria Park) be lowered to one metre above the lane

or

That the new houses adjacent to the west alley be restricted to single storey designs

As you will note from previous Council motions, the City Engineering Department has addressed this issue previously by working with the developer and the community to ensure that the grade levels are kept to a minimum.

In terms of the second alternative which would restrict houses to single storey designs, Council has considered and rejected specific height restrictions in neighbourhoods. Any control of this nature would require an amendment to the outline plan. The current bylaw standards restrict the height of houses on this site, with the current grade change, to 8.75 metres in height (two storeys).

#### Recommendation

Planning staff recommend that the Council consider a motion similar to the one adopted on July 19, 1993 which directed that the Engineering Department review the grade level with Melcor Developments Ltd. and the residents directly affected by development in the new Anders subdivision to determine if the grade can be lowered. Any consideration of a height restriction should follow the review by the Engineering Department.

  
Paul Meyette, ACP, MCIP  
PRINCIPAL PLANNER, CITY SECTION

DATE Aug 2/95

- TO:
- DIRECTOR OF COMMUNITY SERVICES
  - DIRECTOR OF CORPORATE SERVICES
  - DIRECTOR OF DEVELOPMENT SERVICES
  - CITY ASSESSOR
  - E. L. & P. MANAGER
  - ENGINEERING DEPARTMENT MANAGER
  - FIRE CHIEF
  - INFORMATION TECHNOLOGY SERVICES MANAGER
  - INSPECTION AND LICENSING MANAGER
  - LAND AND ECONOMIC DEVELOPMENT MANAGER
  - PERSONNEL MANAGER
  - PUBLIC WORKS MANAGER
  - R.C.M.P. INSPECTOR
  - RECREATION, PARKS & CULTURE MANAGER
  - SOCIAL PLANNING MANAGER
  - TRANSIT MANAGER
  - TREASURY SERVICES MANAGER
  - PRINCIPAL PLANNER
  - CITY SOLICITOR
  - \_\_\_\_\_

FROM: CITY CLERK

RE: VICTORIA IS ABOVE THE  
GRADE V - GRADE LEVEL.

Please submit comments on the attached to this office by AUG 8/95  
for the Council Agenda of Aug 14/95.

KELLY KLOSS  
City Clerk

✓ **ACKNOWLEDGE**



# THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

**FILE**

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

August 15, 1995

Fred Lebedoff  
Melcor Developments  
400 4808 Ross Street  
Red Deer, Alberta  
T4N 1X5

Dear Mr. Lebedoff:

RE: GRADE LEVEL ON WEST SIDE OF PHASE V, VICTORIA ON ANDERS PARK

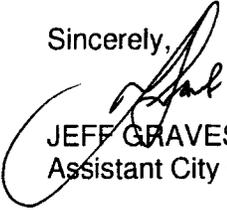
At the City of Red Deer Council meeting held on August 14, 1995, consideration was given to correspondence from Anders Park residents dated August 1, 1995, concerning the above topic. The following resolution was passed by Council with regards to this matter:

"RESOLVED that Council of The City of Red Deer, having considered correspondence from Anders Park Residents dated August 1, 1995, re: Grade Level on West Side of Phase 5, Victoria in Anders Park, hereby agrees to table said correspondence pending a meeting of the Parkland Community Planning Services with the developer to discuss the issue of limiting the height of the residences in the area in question, and further that the Parkland Community Planning Services facilitate a meeting between the developer and the residents to discuss possible compromises to this issue, and as presented to Council August 14, 1995."

The decision of Council in this instance is submitted for your information. We have instructed the Principal Planner of the Parkland Community Planning Services to be in contact with you to discuss this issue and to facilitate a meeting between yourself and the residents in an effort to reach a compromise in this matter.

If you have any questions, or require additional information, please do not hesitate to contact the undersigned.

Sincerely,

  
JEFF GRAVES  
Assistant City Clerk

JG/fm

cc. Principal Planner  
Director of Corporate Services  
Engineering Department Manager  
Director of Community Services



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**FILE**

**DATE: August 15, 1995**

**TO: Principal Planner  
Parkland Community Planning Services**

**FROM: Assistant City Clerk**

**RE: GRADE LEVEL ON WEST SIDE OF PHASE V, VICTORIA IN ANDERS  
PARK**

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At the Council meeting held on August 14, 1995, consideration was given to correspondence from Anders Park residents dated August 1, 1995 concerning the above topic, at which meeting the following resolution was passed:

"RESOLVED that Council of The City of Red Deer, having considered correspondence from Anders Park Residents dated August 1, 1995, re: Grade Level on West Side of Phase 5, Victoria in Anders Park, hereby agrees to table said correspondence pending a meeting of the Parkland Community Planning Services with the developer to discuss the issue of limiting the height of the residences in the area in question, and further that the Parkland Community Planning Services facilitate a meeting between the developer and the residents to discuss possible compromises to this issue, and as presented to Council August 14, 1995."

The decision of Council in this instance is submitted for your information. I trust you will now be making the necessary arrangements to meet with the developer, Melcor Developments, to discuss this issue, and that a subsequent meeting with area residents, and the developer, will be arranged to discuss possible compromises to this issue.

  
JEFF GRAVES  
Assistant City Clerk

JG/fm

cc. Director of Development Services  
Director of Community Services  
Engineering Department Manager



# THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

FILE No  
**FILE**

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

August 15, 1995

David W. Lamb  
56 Aikman Close  
Red Deer, Alberta  
T4R 1G2

Dear Mr. Lamb:

RE: ANDERS EAST PHASE V - GRADE LEVEL

At the City of Red Deer Council meeting held on August 14, 1995, consideration was given to your correspondence from Anders Park residents dated August 1, 1995 concerning the grade level on the west side of Phase V, Victoria in Anders Park. The following resolution was passed by Council with regards to this matter:

"RESOLVED that Council of The City of Red Deer, having considered correspondence from Anders Park Residents dated August 1, 1995, re: Grade Level on West Side of Phase 5, Victoria in Anders Park, hereby agrees to table said correspondence pending a meeting of the Parkland Community Planning Services with the developer to discuss the issue of limiting the height of the residences in the area in question, and further that the Parkland Community Planning Services facilitate a meeting between the developer and the residents to discuss possible compromises to this issue, and as presented to Council August 14, 1995."

The decision of Council in this instance is submitted for your information. As indicated in the above resolution, we will be notifying the Parkland Community Planning Services to arrange a meeting with the developer to discuss the area in question. The Parkland Community Planning Services will also be facilitating a meeting between the developer and the residents to discuss this issue in the near future.

Thank you for bringing your concerns to Council. If you have any questions, or require additional information, please do not hesitate to contact the undersigned.

Sincerely,

  
JEFE GRAVES  
Assistant City Clerk

JG/fm

cc. Principal Planner  
Director of Development Services  
Engineering Department Manager  
Director of Community Services  
Mr. Fred Lebedoff, Melcor Developments



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to discover!*

**BYLAW NO. 2672/M-95**

Being a Bylaw to amend Bylaw No. 2672/80, the Land Use Bylaw of the City of Red Deer.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1 Section 1.2 Definitions, is amended as follows:

- (1) By deleting in its entirety the existing definition of "Dwelling Unit" and replacing it with the following:

**"Dwelling Unit"** means a complete building or self-contained portion of a building used by a household, containing sleeping, cooking and sanitary facilities intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building.

- (2) By deleting in its entirety the definition of "Specialized Care".

- (3) By deleting in its entirety the existing definition of "Social Care Residence" and replacing it with the following:

**"Social Care Residence"** means a dwelling unit for the purpose of providing its occupants with specialized care in the form of supervisory, nursing, medical, counselling or homemaking services, or services related thereto, on a temporary or short term basis.

- (4) By replacing the word "four" with the word "five" in the definition of "Boarding House".

- (5) By adding the following new definitions:

**"Outline Plan"** means a plan that shows in detail the type, size and location of all land uses; the transportation network; the location and size of neighbourhood facilities such as schools and parks; the location of day care centres, social care facilities and church sites; and may also contain the staging of development and a conceptual servicing design.

**“Senior Citizens Lodge”** means a building designed for the long term housing of senior citizens sharing common cooking, eating, and housekeeping facilities but who do not require medical or institutional type care.

**“Adult Mini-theatre”** means any premises or part thereof wherein live performances, motion pictures, video tapes, video disks, slides or similar electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown as a principal use or an accessory or similar use to some other business activity which is conducted on the premises, and wherein each separate viewing area has a capacity of less than 20 seats.

- (6) By adding the words “but does not include an adult mini-theatre” to the end of the definitions of “Commercial Entertainment Facility”, and “Private Club or Organization”.
- (7) By adding the words “or adult mini-theatres” to the end of the definition of “Personal Services”.

2 Section 4.10.1 Parking Requirements, is amended by adding the following:

<u>Commercial &amp; Industrial</u>	<u>Parking Spaces</u>
“adult mini-theatre”	1.0 per 3 seats, with a minimum of 1 space for each individual viewing area containing 3 seating spaces or less

3 Section 5.2 Special Regulations, is amended by adding the following new sub-section:

5.2.4. Adult Mini-theatre

Unless otherwise approved by City Council, an adult mini-theatre shall not be located on a lot having a minimum radial separation distance of less than 150 metres from the lot line of every lot in a residential district, and from the lot line of any lot accommodating a public, separate or private school, any church, any public park or playground, or any other adult mini-theatre.

- 4 Sections 6.2.3.2. and 6.6.1.2 and 6.6.2.2 and 6.6.3.2 Permitted Uses of the C3, R1, R2 and R3 Districts respectively, are amended by adding to each after the words "Permitted Uses", the following:

, subject to any applicable Outline Plan approved by Council.

- 5 Sections 6.2.3.3 and 6.6.1.3 and 6.6.2.3 and 6.6.3.3 Discretionary Uses of the of the C3, R1, R2, and R3 Districts respectively, are amended by adding to each after the words "Discretionary Uses", the following:

, subject to any applicable Outline Plan approved by Council.

- 6 Section 6.6.3.3 Discretionary Uses, Sub-section (5) Special residential uses, in the R3 Residential District is amended by deleting "institutional homes for senior citizens, widows or children" and replacing it with "senior citizens lodge".

- 7 Section 6.6.2.3 Discretionary Uses, Sub-section (7) Special residential uses, in the R2 Residential District is amended by adding "senior citizens lodge" as a use.

- 8 Section 4.1 is amended by deleting it in its entirety and replacing it with the following:

4.1 USE OF LAND

4.1.1 No person may develop land for any purpose unless it is in conformity with the Land Use Bylaw and a development permit has been obtained.

4.1.2 On receipt of a development permit a person may develop land for the purpose approved subject to meeting the regulations and any conditions that were attached to the approved permit.

- 9 Section 1.4.1 is amended by adding the following:

C1A - Commercial (Downtown West) District

R1A - Residential (Low Density) sub-District

- 10 This Bylaw shall come into full force and effect upon the passage of third reading.

READ A FIRST TIME IN OPEN COUNCIL this 17 day of July , A.D. 1995.  
READ A SECOND TIME IN OPEN COUNCIL this day of , A.D. 1995.  
READ A THIRD TIME IN OPEN COUNCIL this day of , A.D. 1995.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK





**BYLAW NO.2996/A-95**

Being a Bylaw to amend Bylaw No. 2996/89, The Sign Bylaw of The City of Red Deer.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1 To amend Section 2.0 by adding thereto the following:

"2.1.4.1 "Arterial Road" means a road designated as such under the City Transportation Bylaw;

2.1.14.1 "Collector Road" means a road designated as such under the City Transportation Bylaw;"

2 By deleting Section 2.1.13 and substituting in its place the following:

"2.1.13 "City Property" means all lands and buildings owned by the City and includes all lands within any road right-of-way plan;"

3 By deleting Section 2.1.31 and substituting in its place the following:

"2.1.31 "Identification" means a sign which contains no advertising but is limited to the name, address and number of a building, institution or person;"

4 By adding thereto the following:

"4.4.4 Unless otherwise specifically provided, no person shall erect an A-Board Sign upon City property in any district where such sign would not be permitted on the lots in such district under the Land Use Bylaw."

5 By deleting Section 5.1.2 and substituting in its place the following:

- (a) may only be placed on the boulevard or sidewalk within one metre of the face of the curb;
- (b) shall be placed as close as practical to a parking meter, where applicable;
- (c) shall not be placed on any median in a street.

**5.1.2.2 A-Board Signs placed upon City property in any district other than C1 or C1A under the Land Use Bylaw**

- (a) shall be placed only on the boulevard or sidewalk and not closer than 1.5 metres to the face of the curb;
- (b) shall not be placed within 10 metres of the face of the curb of the intersection of two streets; and
- (c) shall not be placed on any median in a street."

**6 By adding thereto the following:**

**"5.1.5 The Bylaws and Inspections Manager may issue a Sign Permit to permit one A-Board Sign to be erected in the boulevard of a collector or arterial road in a C3 district subject to the following conditions:**

- (a) the C3 site for which the permit is issued shall be 40 metres or more from a collector or arterial road;
- (b) the A-Board Sign is erected for or on behalf of one tenant in the C3 site;
- (c) not more than one A-Board Sign permit may be issued for the C3 site:

- (d) the arterial or collector road on which the sign is located is the one which provides the closest access to the C3 site;
- (e) the sign may remain at its approved location only during the business hours of the permit holder;
- (f) only new businesses are eligible to apply for and receive a sign permit and the sign permit shall expire 2 years from the date of its issue; and
- (g) subject to compliance with the distance requirements of this Bylaw the sign is placed as close as possible to the C3 site."

7 In all other respects, Bylaw No. 2996/89 is hereby ratified and confirmed.

READ A FIRST TIME IN OPEN COUNCIL this      day of      , 19

READ A SECOND TIME IN OPEN COUNCIL this      day of      , 19

READ A THIRD TIME IN OPEN COUNCIL this      day of      , 19

AND SIGNED by the Mayor and City Clerk the      day of      , 19

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK



**FILE**

**DATE: August 15, 1995**  
**TO: Mayor and City Council**  
**FROM: Assistant City Clerk**  
**RE: NOTICE OF MOTION - COUNCILLOR STATNYK**

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The following Notice of Motion was presented by Councillor Statnyk at the Council meeting of August 14, 1995:

"WHEREAS Council of the City of Red Deer, on August 14, 1995, defeated a resolution to approve Council Policy No. 833 which sets out the procedures associated with the granting of Licences to Occupy Rights-Of-Way and where appropriate leases of Public Utility Lots;

AND WHEREAS the existing leaseholders of Public Utility Lots have developed and care for the leased property and the leased property now forms an integral part of the leaseholders residential property;

NOW THEREFORE BE IT RESOLVED that Council of the City of Red Deer hereby agrees to reconsider the report from the Land and Economic Development Manager and approve the proposed Council Policy No. 833 which sets out the procedures associated with the granting of Licences to Occupy Rights-Of-Way and where appropriate leases of Public Utility Lots and further agrees to grant first right of refusal to the present lease holder should the City offer for sale any Public Utility Lot currently under lease."

  
JEFF GRAVES  
Assistant City Clerk

JG/fm